

**MINUTES OF A REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF HAWTHORNE,
CALIFORNIA HELD FEBRUARY 14, 2012.**

Mayor Juarez called the City Council, 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 English, Valentine, Michelin, Vargas, Mayor Juarez
Absent: None.

Pastor John Jefferson from Del Aire Baptist Church gave the evening's invocation. Mr. John Koppelman led the Pledge of Allegiance.

Ms. Susan Hillyer gave a presentation on the Hawthorne/Del Aire Farmer's Market.

Chief Fager presented the February Officers of the month, Reserve Officer Robert Knouse and Reserve Officer Bonnie Agee.

Don Dear from West Basin Municipal Water District and President of the Board, stated that West Basin is the local wholesale water agency that provides drinking water for almost all the South Bay area. They sell water to Golden State Water Company which is the direct water provider for people in the City of Hawthorne. Public Information Director Ron Wildermuth spoke on the Water Reliability 2020 program. The program is being implemented to make sure that there is reliable water in the future as imported supplies become unreliable. Mr. Dear presented Certificates to Arnold Shadbehr and Rick Carver on behalf of the City in recognition of commitment to water efficiency and environmentally sound business practices to support Water Reliability 2020. Kornblum Apartments, Real Estate Connection, Deluxe Inn and Mauna Kea Apartments also received Certificates.

1.

Under oral communications **Sonya Lovest** stated that she was unlawfully evicted from her apartment and asked for the city's assistance. **John Koppelman** spoke on the Hawthorne-Del Aire Farmer's Market and its challenges. **Patricia Donaldson**, Hawthorne Chamber of Commerce President announced that their mixer will be held this Thursday from 5:30pm to 7:30pm at South Bay Ford. **Oliver Kunitake** spoke on the initiative for 2012, Label GMOs. **Lani Emmich**, Event Chairman for the American Cancer Society Relay for Life, asked that we celebrate those that are winning the cancer battle. Currently there are 23 teams registered for the race and they would like to double that number. Another committee meeting will be held on February 27th at 5:30pm at the Hawthorne Moose Lodge. Canned goods are also being collected to be placed in the Luminaria bags. **Mike Castillo**, on behalf of Assemblyman Bradford, invited everyone to the Small Business Resource Fair this Friday from 9am to 12pm at Inglewood City Hall. **Kyle Orleman** announced that the Vietnam Veterans of America South Bay Chapter #53 is sponsoring their 17th Annual Vietnam Veterans of America Scholarship Essay Program for high school seniors in South Bay Schools. **Frances Stiglich** inquired if the City is getting money like Lawndale did for their new buildings, questioned if the Historical society will be located at the old police station. Spoke on issue of garbage cans next door. Inquired on how much it costs to hold a planning commission meeting.

2.

Mayor Juarez recessed the Parking Authority and Housing Authority meetings to conduct the meeting of the City Council.

3.

Councilmember English moved, seconded by Councilmember Vargas, that the reading of the City Council minutes of the regular meeting of January 24, 2012 be waived and that they be approved and adopted.

ROLL CALL-AYES: Councilmembers English, Michelin, Valentine, Vargas, Mayor Juarez.
NOES: None.

02/14/12

4.

Councilmember English moved, seconded by Councilmember Vargas, to waive full readings of resolutions and ordinances on February 14, 2012's agenda.

ROLL CALL-AYES: Councilmembers English, Valentine, Michelin, Vargas, Mayor Juarez
NOES: None.

5.

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.: 191039-191046 ; 428486-428769 ; 13776-13780

Warrant Totals: \$679,172.16 ; \$ 1,926,164.89 ; \$2810.77

ROLL CALL-AYES: Councilmembers English, Valentine, Michelin, Vargas, Mayor Juarez.
NOES: None.

6.

RESOLUTION NO. 7427

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA AUTHORIZING THE DESTRUCTION OF POLICE DEPARTMENT INTERNAL AFFAIRS FILES (FROM JANUARY 1, 2005 TO DECEMBER 31, 2006) PURSUANT TO RESOLUTION NO 7170.

Councilmember English moved, seconded by Councilmember Vargas, that Resolution No. 7427 be approved and adopted.

ROLL CALL-AYES: Councilmembers English, Valentine, Michelin, Vargas, Mayor Juarez
NOES: None.

7.

RESOLUTION NO. 7428

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA IN SUPPORT OF THE TRANSFER OF ONTARIO INTERNATIONAL AIRPORT (ONT) TO LOCAL CONTROL.

Councilmember English moved, seconded by Councilmember Vargas, that Resolution No. 7428 be approved and adopted.

ROLL CALL-AYES: Councilmembers English, Valentine, Michelin, Vargas, Mayor Juarez
NOES: None.

8.

RESOLUTION NO. 7429

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA AUTHORIZING THE DESTRUCTION OF VARIOUS POLICE DEPARTMENT RECORDS PURSUANT TO RESOLUTION NO. 7170.

Councilmember English moved, seconded by Councilmember Vargas, that Resolution No. 7429 be approved and adopted.

ROLL CALL-AYES: Councilmembers English, Valentine, Michelin, Vargas, Mayor Juarez
NOES: None.

PUBLIC HEARING

9.

City Clerk Huber announced that this was the time and place for the Public Hearing on Interim Ordinance No. 2014 [2011ZA02] is a City-initiated extension of the 45-day urgency moratorium adopted on January 10, 2012. This interim ordinance extends the moratorium on the development and expansion of used vehicle sales, excepting those operated in conjunction with new vehicle sales for 22 months and 15 days.

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

Mayor Juarez called for public comments.

No one expressed a desired to be heard.

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

INTERIM ORDINANCE NO.2014

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA EXTENDING URGENCY INTERIM ORDINANCE NO. 2011 REGARDING A MORATORIUM ON THE DEVELOPMENT AND EXPANSION OF ANY AND ALL USED VEHICLE DEALERSHIPS IN THE CITY OF HAWTHORNE, EXCEPTING THOSE OPERATED IN CONJUNCTION WITH NEW AUTO DEALERSHIPS, IN THE CITY OF HAWTHORNE FOR AN ADDITIONAL PERIOD OF 22 MONTHS AND 15 DAYS, AND DECLARING THE URGENCY THEREOF.

(4/5th vote required for Interim ordinance)

Mayor Juarez moved, seconded by Councilmember Valentine, that Ordinance No. 2014 be approved and adopted.

ROLL CALL-AYES: Councilmembers English, Michelin, Valentine, Vargas, Mayor Juarez.
NOES: None.

Councilmember Vargas requested that a legal confidential be sent to Council on Item 9 on whether it would be susceptible to legal challenges.

10.

ORDINANCE NO. 2013 (2nd Reading)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA ADDING HAWTHORNE MUNICIPAL CODE (“HMC”) SECTION 2.06.015 ESTABLISHING POLICY FOR THE SWEARING-IN OF ELECTED OFFICIALS”.

Councilmember English moved, seconded by Councilmember Vargas, that Ordinance No. 2013 be approved and adopted.

ROLL CALL-AYES: Councilmembers English, Michelin, Valentine, Vargas, Mayor Juarez.
NOES: None.

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

11.

Approve Progress Payment #1 due to Freeway Electric, Inc. for Construction of Traffic Signal at intersection of El Segundo Blvd. and Doty Ave., El Segundo Blvd. and Yukon Ave., 116th St. and Van Ness Ave., 135th St. and Doty Ave., and 120th St. and Wilkie Way, HSIP, Project #09-04, Federal Project #HPLUL-5253(017) in the amount of \$156,513.06 funded from the Highway Safety Improvement Program (HSIP) Grant and Proposition C funds.

12.

Approve Progress Payment # 5 due to Martinez Landscape Company, 12337 San Fernando Road, Sylmar, Ca 91342 for Weed Abatement, Landscape, and General Maintenance (Project # 08-08)-3rd Year in the amount of \$170,489.85.

13.

Approve Progress Payment #3 to United Pacific Services, Inc., 120 E. La Habra Blvd., #107, La Habra, CA., 90631 for Street Tree Trimming (Project # 10-01) 2nd Year in the amount of \$3,217.50, it will be charged to the approved and allocated Tree Trimming Funds.

14.

Approve Payment of overhaul and assembly service billing to Helipower Worldwide Service for Police airship AIR55 Turbine Overhaul in the amount of \$ 52,977.55.

15.

Approve Progress Payment #1 due to EBS General Engineering, Inc., for Rosecrans Avenue Improvement Project-MTA South Bay Measure R Highway Program- Federal Project # HPLUL 5253(016) (City Project #09-05) in the amount of \$388,613.89 funded from the MTA South Bay Measure R Highway Program Grant, Highway Safety Improvement Project (HSIP) and Federal DEMO Grants.

16.

Approve the Adoption of UPDATED Internal Control Policy (COHF-ICP) and Records Retention Schedule.

Councilmember English moved, seconded by Councilmember Vargas, to approve Items 11 through 16 of the City Manager's consent calendar.

ROLL CALL-AYES: Councilmembers English, Michelin, Valentine, Vargas, Mayor Juarez.
NOES: None.

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

17.

The City Attorney, Russell Miyahira, recommended that the claim filed on behalf of Jayzien Morales alleging that he was assaulted on a school bus operated by Hawthorne School District be denied in its entirety.

Councilmember English moved, seconded by Councilmember Valentine, that the claim filed on behalf of Jayzien Morales alleging that he was assaulted on a school bus operated by Hawthorne School District be denied in its entirety.

ROLL CALL-AYES: Councilmembers English, Vargas, Valentine, Michelin, Mayor Juarez.
NOES: None.

18.

The City Attorney, Russell Miyahira, recommended that the claim filed on behalf of Dennis Taylor who was arrested pursuant to a citizen's arrest request by an employee of Sprint store when Taylor repeatedly returned after being requested to leave after he became loud and belligerent.

Councilmember English moved, seconded by Councilmember Valentine, that the claim filed on behalf of Dennis Taylor who was arrested pursuant to a citizen's arrest request by an employee of Sprint store when Taylor repeatedly returned after being requested to leave after he became loud and belligerent be denied in its entirety.

ROLL CALL-AYES: Councilmembers English, Vargas, Valentine, Michelin, Mayor Juarez.
NOES: None.

19.

The City Attorney, Russell Miyahira, recommended that the claim filed on behalf of Maribel Moran who initiated a lawsuit in case No. YC 066000 alleging that she slipped and fell on a sidewalk due to a puddle of water. The City filed a Demurrer to the Complaint because Moran never filed a claim with the City. Claimant has now filed an application for permission to present a late claim be denied in its entirety.

Councilmember English moved, seconded by Councilmember Valentine, that the claim filed on behalf of Maribel Moran who initiated a lawsuit in case No. YC 066000 alleging that she slipped and fell on a sidewalk due to a puddle of water. The City filed a Demurrer to the Complaint because Moran never filed a claim with the City. Claimant has now filed an application for permission to present a late claim be denied in its entirety.

ROLL CALL-AYES: Councilmembers English, Vargas, Valentine, Michelin, Mayor Juarez.
NOES: None.

20.

Approve Proposed Settlement of Beatriz Canche & Justin Corona v. City of Hawthorne, et al. (YC 063348) in the amount of \$155,000 wherein plaintiff alleged dangerous condition of a traffic signal phasing system which allegedly caused a motor vehicle versus a pedestrian accident in which the plaintiff suffered catastrophic injuries including permanent brain damage and also authorize Finance Department to release check c/o City Attorney's Office to: Beatriz Canche & her attorneys of record Robinson, Calcagnie & Robinson 620 Newport Center Drive, 7th Floor, Newport Beach, CA 92660.

Councilmember English moved, seconded by Councilmember Valentine, to Approve Proposed Settlement of Beatriz Canche & Justin Corona v. City of Hawthorne, et al. (YC 063348) in the amount of \$155,000 wherein plaintiff alleged dangerous condition of a traffic signal phasing system which allegedly caused a motor vehicle versus a pedestrian accident in which the plaintiff suffered catastrophic injuries including permanent brain damage and also authorize Finance Department to release check c/o City Attorney's Office to: Beatriz Canche & her attorneys of record Robinson, Calcagnie & Robinson 620 Newport Center Drive, 7th Floor, Newport Beach, CA 92660.

ROLL CALL-AYES: Councilmembers English, Vargas, Valentine, Michelin, Mayor Juarez.
NOES: None.

21.

Approve Settlement for the total amount of \$20,000 for award of attorney's fees to the City of Hawthorne in the case of City of Hawthorne v. Filomena Petrone, case no. YS 020728, a receivership action on a code enforcement case.

Councilmember English moved, seconded by Councilmember Valentine, to Approve Proposed Settlement for the total amount of \$20,000 for award of attorney's fees to the City of Hawthorne in the case of City of Hawthorne v. Filomena Petrone, case no. YS 020728, a receivership action on a code enforcement case.

ROLL CALL-AYES: Councilmembers English, Vargas, Valentine, Michelin, Mayor Juarez.
NOES: None.

22.

Under Council's Discussion/ Action Items

a.- Direct Staff to negotiate lease with Hawthorne Historical Society. Since Hawthorne Historical Society has public purpose for display and organization of City of Hawthorne artifacts, include lease term that includes \$1 per year. (City Manager).

Mayor Juarez directed the City Attorney to prepare lease which includes terms that the Historical Society will be responsible for all building maintenance, utilities, procuring a commercial general liability policy and telephone hook-up connection fees.

23.

Under Elected Official Reports and Recommendations. Appointments/Reappointments/ Removal to Commissions/Committees and Boards.

Mayoral appointment of two members to the Oversight Board to the Successor Agency to the Hawthorne Redevelopment Agency pursuant to Health & Safety Code Section 34179(a)(7). The Oversight Board will contain 7 members. One of the appointees must be a member of the Hawthorne Executive Group. The other Mayoral appointee must be a resident of the City of Hawthorne, may be a City Council Member and does not have to possess any specified qualifications. These appointees will not be compensated and will be expected to attend a series of meetings to conduct the business of dissolution, including payment of debts, termination of agreements, disposal of assets and distribution of funds. At this time, it is not known where or when the meetings will be conducted. Meetings may begin as soon as 4 members (a quorum) are appointed and must begin my May, 2012. The City, as the Successor Agency, will be responsible for the cost of Oversight Board meetings.

Mayor Juarez appointed:

Interim City Manager Arnold Shadbehr (Member of the Executive Group)

Mr. Mike Talleda (Member of the Community)

Mayor Pro Tem Angie English was nominated as a Delegate.

City Clerk **Huber** announced that the Historical Society open meeting will be held this Thursday at 7pm at the Ramona School cafeteria. Good Neighbors Day will be held on July 21st. Spoke on the history of Hawthorne and how the city has produced a lot of society changers and feels there should be a place to get the word out about this history.

Councilmember **Vargas** attended a meeting of the Independent Cities Association where the topic was AB109 having to do with the early release of prisoners and the impact it will have on communities. Formally requested that the Police Department and Code Enforcement come up with a plan to address the prostitution issue and any other code enforcement issues near the Imperial Highway/Hawthorne Boulevard corridor. Requested that the Watch Commander inform Council of occurrences in the city.

Councilmember **Valentine** spoke on the nationwide mortgage settlement that has been worked out to help the nearly two million homeowners hit by the mortgage meltdown and improper foreclosure practices. Anyone with mortgages owned by Bank of America, JP Morgan Chase & Company, Wells Fargo & Company, Citygroup Inc. or Allied Financial be sure to contact that institutions as soon as possible as you may be eligible for relief. For more information, go to www.oag.ca.gov. For those residents experiencing increased noise from jet aircraft at LAX, please call the noise complaint hotline at (424) 64-NOISE or submit a noise complaint at www.LAWA.org. Hawthorne Airport will be participating in a federal noise study that will take about 18 months. A project website is available for the community to stay informed and download project documentation and meeting notices at www.hawthornenoise.airportstudy.com. Spoke on Black History Month and encouraged everyone to learn more about this subject by visiting the Civil Rights Movement display in city hall, by going to the Pan African Film and Arts Festival at Crenshaw Plaza and by watching the PBS documentary "Slavery By Another Name". Congratulated Jan Vogel, Executive Director of the South Bay Workforce Investment Board, for being chosen by the National Association of Workforce Boards as one of two distinguished honorees for the 2012 WIB Excellence Award.

Councilmember **Michelin** congratulated Mr. Luciano Aguilar, the new board member of the Hawthorne School District. Thanked Chief Fager for focusing on the reserve officers. Thanked Director Don Dear for working to conserve water. Thanked Oliver Kunitake for talking about food labeling. Is fully supporting the Relay for Life event. Is glad that the moratorium on used car dealerships passed so that we can work with planning to come up with some guidelines on this issue. Looks forward to seeing the development of the historical society. Congratulated Mike Talleda on his appointment. To learn more about Black History Month, suggested a visit to the African American Museum. Looks forward to increasing businesses on Hawthorne Boulevard.

Councilmember **English** thanked HMEA and HR for the great Super Bowl lunch gathering of employees. Attended the State of California Democratic Party this past weekend in San Diego where Kamela Harris spoke on foreclosure issues. Participated in the League of California Cities in Monterey Park on how cities can survive after Redevelopment. Will attend the Economic Development Forecast at the Marriot downtown. Asked that the information regarding bank owned mortgages be put on the city website and on channel 22. Attended the LA County WIB Vet Board meeting where they talked about opportunities for vets who are looking for work. Will be attending the Pan African Film Festival this Saturday to see the movie "Elza". Spoke on the importance of the Imperial Corridor and the business opportunities it has for the future. Asked for an action/discussion item for the next meeting to consider extension of the overlay along the Imperial Corridor which would include the easterly and westerly portions. Also would like to bring back the issue of banking institutes along Hawthorne Boulevard. Announced the upcoming Locks of Love event to be held on February 25th from 10am to 2pm at the Memorial Center and the Service Provider Fair to be held on June 2nd.

Mayor **Juarez** had the honor of being the guest of Lieutenant General Ellen Pawlikowsk, Commander of Space and Missile Systems Center where the program was about Black History Month and he got to sit by one of the surviving Tuskegee Airmen. Thanked the HMEA for putting on the tailgate party. Last weekend had the honor of welcoming Governor Gerry Brown to the City of Hawthorne at the event held at the Tesla facility where the model X electric vehicle was unveiled. Commented that it was good to see David Marks performing at the Grammys with the Beach Boys and hopefully we will see him at Good Neighbors Day. Thanked the airport for putting out the Hawthorne Municipal Airport Noise and Land Use Compatibility Study Update. Asked that someone look into whether the Special Districts Financial Transaction report was submitted as he received a letter from the California State Controller stating that the City was delinquent. Inquired if salaries had been submitted to the State Controller webpage as required because a reporter had called to say that they were not. Stated that we need to do a better job of getting the word out when city hall is going to be closed and whether trash will be picked up on holidays. Suggested we work with the trash company to try to put a notice on customer's statement to advise them of holiday pickup schedules. Asked to agendaize for the next meeting to discuss what make up a commercial vehicle. Asked that a copy of Resolution 7428 be sent to Ontario. Asked where we are with respect to parking RVs on the street and the update of the corresponding ordinance. Asked that another look be taken at the signal timing where an accident occurred so as to avoid another lawsuit. Requested an overtime report and a comp time report by name. Announced that the Hawthorne Parks & Recreation Foundation will be having their annual golf tournament at the California Country Club.

24.

This closed session was not held

Optional Closed Session – Conference with Legal Counsel – Existing Litigation (Subdivision (a)) of Section 54956.9 of the California Government Code. Name of Case: Beatriz Canche & Justin Corona v. A.J. Jones, County of Los Angeles & City of Hawthorne, et al., Case No: YC 063 348

25.

This closed session had two cases to discuss.

Mayor Juarez called for oral comments.

No one expressed a desired to be heard.

Mayor Juarez recessed the City Council meeting to conduct a **Closed Session** – Conference with Legal Counsel – Initiation of Litigation pursuant to Government Code Section 54956.9 (c) (two cases)

Mayor Juarez called the City Council meeting back to order following recess with all Councilmembers present. He announced that the **Closed Session** – Conference with Legal Counsel – Initiation of Litigation pursuant to Government Code Section 54956.9 (c) (two cases) and the The City Attorney, Russell Miyahira, announced that he has been directed.

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26.

Mayor Juarez adjourned the regular meeting at 8:42 p.m.

Norbert Huber
City Clerk