

**MINUTES OF A REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF HAWTHORNE,  
CALIFORNIA HELD MARCH 13, 2012.**

Mayor Juarez called the City Council, Parking Authority and Housing Authority meetings to order jointly and concurrently at 6:00 p.m. in the City Council Chambers of City Hall, 4455 W. 126<sup>th</sup> Street, Hawthorne, California.

ROLL CALL-Present: Councilmembers English, Valentine, Michelin, Vargas, Mayor Juarez  
Absent: None.

Darlene Love gave the evening's invocation. Manuel Balboa led the Pledge of Allegiance.

Mayor Juarez presented a Proclamation to Jonathan James Bland of Hawthorne Boy Scout Troop #282 for obtaining the prestigious rank of Eagle Scout.

Mayor Pro Tem English presented a Proclamation to Alice Lan of the Red Cross designating March 2012 as American Red Cross month.

Mayor Juarez presented Certificates to local businesses in thanks for their contributions to the Hawthorne Booth at the South Bay Cities Council of Governments General Assembly.

Hawthorne School District Superintendent Dr. Helen Morgan thanked Council and the City Manager for taking steps to put in motion the temporary closure of streets during school hours due to safety issues.

Jay Beeber, Executive Director of Safer Streets LA, gave a presentation on Red Light Cameras where he presented statistics that concluded that there were no red light related collision problems prior to installation of cameras, no increase in collisions after installation of cameras, no change in citywide percentage or collisions due to red light running and no safety benefits.

Captain Keith Kauffman of the Hawthorne Police Department stated that there are some things involved in Red Camera Technology that do make it a valuable tool and make this system a force multiplier for enforcement. From the police department's standpoint, they do not concern themselves with statistical data and financials, but rather their main concern is correcting driving behavior in the city.

1.

Under oral communications **Jim Lissner** spoke in opposition of Red Light Cameras. **Chris Richert**, VP Fusion HOA, asked for Councilmember's individual support to oppose the expansion of the MTA Division 22 maintenance facility near the Fusion development. **George Rheaul** of Los Angeles spoke in opposition of Red Light Cameras. **Mary Jo Farrell**, Fusion Neighborhood Watch Committee Chairperson, spoke in opposition of a paint and body shop at the MTA facility and presented petitions from residents also in opposition. **Dave Thirtle** spoke in opposition of Red Light Cameras. **Hoda Shawky**, Fusion resident, spoke in opposition of the proposed MTA paint and body shop site. **Allen Richards** spoke in support of Red Light Cameras. **Alex Monteiro** would like to see how many Red Light camera citations went to Hawthorne residents versus non-residents and would also like to see a presentation on how much revenue the city and others got from the cameras. Regarding MTA building more industrial, keep in mind that Hawthorne already has a 34% rate of asthma and respiratory problems among its school children. Upcoming events include Relay for Life on March 31<sup>st</sup> at 9am, State of City on April 13<sup>th</sup>, Volunteer Appreciation Day on April 22 and the 5K & 17<sup>th</sup> Annual Health Fair on May 12<sup>th</sup>. **Philip Jones** requested an arrow on 120<sup>th</sup> and Inglewood. **Lani Emmich**, Relay for Life 2012 Chairperson, announced that Paint the Town Purple will be postponed until March 24<sup>th</sup> at 10am and read a poem she wrote entitled "I Dream of a World without Cancer". **Jay Beeber** spoke on Red Camera, traffic signal and engineering issues at Rosecrans and Hindry. **Nancy Wise**, Fusion resident, stated that the toxicity emitted from the proposed paint and body shop does cause cancer. **Frances Stiglich** reported that Lawndale mostly used bonds for their new construction. Stated she does not like the Red Light cameras. Requested that the senior center be opened an extra two hours by using money that was given to the city by Maxine Waters. Commented that although the sign at the senior center honoring former Councilmember Ginny Lambert is nice, she deserves better. **Unidentified speaker** spoke in favor of Red Light cameras. **John Vargas** asked for clarification on the posting of agenda information online and on the posting of the planning agenda online. **Kyle Orleman** stressed that invocations should be non denominational and further suggested that individual speaking during Oral Communications should speak

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in English. Does not feel Council should be passing resolutions against employers that are not from our city. **Sam Shofani** invited everyone to patronize his new business, Le Pain de Jour. **Regina Flores**, Fusion resident, supports her neighbors and thanked Council for any outreach they can provide on Fusion’s behalf.

2.

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

3.

Councilmember Vargas moved, seconded by Councilmember English, that the reading of the City Council minutes of the regular meeting of February 28, 2012 and the special meeting of March 6, 2012 be waived and that they be approved and adopted.

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

4.

Councilmember Vargas moved, seconded by Councilmember English, to waive full readings of resolutions and ordinances on March 13, 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 Vargas moved, seconded by Councilmember English, that the following warrants, properly audited and signed, be paid.

Warrants Nos.: 191053-191059 ; 429041-429266 ; 14240-14244  
Warrant Totals: \$709,266.24 ; \$ 976,660.10 ; \$1240.03

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

6.

**RESOLUTION NO. 7437**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA PROCLAIMING THE MONTH OF MARCH AS “WOMEN’S HISTORY MONTH” IN HAWTHORNE.

Councilmember Vargas moved, seconded by Councilmember English, that Resolution No. 7437 be approved and adopted.

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

7.

**RESOLUTION NO. 7438**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA SUPPORTING THE LABELING OF FOODS MADE FROM GENETICALLY MODIFIED

ORGANISMS UNDER THE CALIFORNIA RIGHT TO KNOW GENETICALLY ENGINEERED FOOD ACT INITIATIVE.

MOTION TO TABLE

Councilmember Valentine moved, seconded by Councilmember Vargas, to table Resolution No 7438.

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

8.

RESOLUTION NO. 7439

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA SUPPORTING THE MIDDLE CLASS SCHOLARSHIP ACT (ASSEMBLY BILL 1500 AND 1501).

Councilmember English moved, seconded by Councilmember Valentine, that Resolution No. 7439 be approved and adopted.

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

9.

RESOLUTION NO. 7440

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA ASSIGNING THE RIGHT TO APPLY FOR GRANT FUNDS FROM THE LOS ANGELES COUNTY REGIONAL PARK AND OPEN SPACE DISTRICT FOR SECOND SUPERVISORIAL DISTRICT CITIES EXCESS FUNDS TO THE TRUST FOR PUBLIC LAND FOR THE FITNESS ZONE AT MEMORIAL PARK PROJECT.

Councilmember Vargas moved, seconded by Councilmember English, that Resolution No. 7440 be approved and adopted.

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

PUBLIC HEARINGS

10.

City Clerk Huber announced that this was the time and place for the Public Hearing on Ordinance No. 2016 [2012ZA01] is a City-initiated application to amend the HMC related to development requirements in the R-4 zone and Mixed-Use Overlay zone.

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

Mayor Juarez called for public comments.

**John Vargas** questioned why documents relating to Ordinance 2016 were not on the website and expressed concern over increasing density in the North Hawthorne community. **Jacqueline Jones** expressed concern that if this ordinance passes, it will give a blank check to anyone who wants to come in and build anything in that particular area. **Alex Monteiro** suggested that since the planning commission meetings are not televised, that a presentation be given regarding the changes this ordinance would make. **Philip Jones** spoke in opposition of Ordinance 2016. **Darlene Love** spoke in opposition of Ordinance 2016.

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

**ORDINANCE NO. 2016 (1<sup>st</sup> Reading)**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA APPROVING ZONING TEXT AMENDMENT NO. 2012ZA01, AMENDING TITLE 17, (ZONING), CHAPTERS 17.19, AND 17.87 OF THE HAWTHORNE MUNICIPAL CODE, RELATED TO R-4 ZONING CLASSIFICATION AND MIXED-USE OVERLAY ZONE (2012ZA01).

Ordinance No. 2016 was introduced by title only by Councilmember English.

11.

City Clerk Huber announced that this was the time and place for the Public Hearing on Ordinance No. 2017 [2012ZA02]. A City-initiated application to amend the HMC related to public hearing noticing requirements for public hearings originating in the Planning Department.

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

Mayor Juarez called for public comments.

**John Vargas** feels the maintenance of a larger notification zone more than 300 feet is essential for the community to feel comfortable that the Council is making its best concerted effort to notify its residents of what’s going on in the city regardless of the cost. **Allen Richards** gave the example that 300 feet would be the equivalent of notifying six homeowners, which is not enough to give input.

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

**ORDINANCE NO. 2017 (1<sup>st</sup> Reading)**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA APPROVING ZONING TEXT AMENDMENT NO. 2012ZA02, AMENDING CHAPTER 17.06, SECTION 17.06.050 (PUBLIC HEARING), RELATED TO NOTIFICATION REQUIREMENTS FOR PUBLIC HEARINGS ORIGINATING FROM THE PLANNING DEPARTMENT, AND MAKING FINDINGS IN SUPPORT THEREOF. Motion to Introduce.

Ordinance No. 2017 was introduced by title only by Councilmember English.

**ORDINANCE**

12.

**ORDINANCE NO. 2015 (1<sup>st</sup> Reading)**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA AMENDING SECTION 10.36.190 TO THE HAWTHORNE MUNICIPAL CODE RELATING TO LARGE MOTOR VEHICLE PARKING NOTIFICATION PROCEDURE.

Ordinance No. 2015 was introduced by title only by Mayor Juarez.

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

13.

Approve Progress Payment #2 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., 116<sup>th</sup> St. and Van

Ness Ave., 135<sup>th</sup> St. and Doty Ave., and 120<sup>th</sup> St. and Wilkie Way, HSIP, Project #09-04, Federal Project #HPLUL-5253(017) in the amount of \$139,863.06 funded from the Highway Safety Improvement Program (HSIP) Grant and Proposition C funds.

14.

Approve Progress Payment #2 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 \$878,832.78 funded from the MTA South Bay Measure R Highway Program Grant, Highway Safety Improvement Project (HSIP) and Federal DEMO Grants.

Councilmember Vargas moved, seconded by Mayor Juarez, to approve items 13 and 14 of the City Manager's consent calendar.

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

15.

Approve Amendment No. 1 to Exclusive Agreement between the City of Hawthorne and Redflex Traffic Systems, Inc. for Photo Red Light Enforcement Program and that the City Council authorize the Mayor and/or the City Manager to execute Amendment No. 1.

Mayor Juarez moved, seconded by Councilmember Valentine, to approve item 15 of the City Manager's consent calendar.

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

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

16.

The City Attorney, Russell Miyahira, recommended that the claim filed on behalf of Taufa Nicholson alleging illegal seizure of personal property in violation of his Civil Rights. Claimant alleges that the police officers impounded his vehicles as evidence and has failed to return them. It's recommended that this claim be denied in its entirety.

Mayor Juarez moved, seconded by Councilmember Vargas that the claim filed on behalf of Taufa Nicholson alleging illegal seizure of personal property in violation of his Civil Rights. Claimant alleges that the police officers impounded his vehicles as evidence and has failed to return them. It's recommended that this claim be denied in its entirety.

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

17.

The City Attorney, Russell Miyahira, recommended that the claim filed on behalf of Joyce Carrell alleges that she slipped and fell on a public sidewalk at or near 12705 Van Ness Avenue sustaining "bodily injuries, loss of earning, and loss of earning capacity" in an amount exceeding \$10,000 be denied in its entirety.

Mayor Juarez moved, seconded by Councilmember Vargas, that the claim filed on behalf of Joyce Carrell alleges that she slipped and fell on a public sidewalk at or near 12705 Van Ness Avenue sustaining

“bodily injuries, loss of earning, and loss of earning capacity” in an amount exceeding \$10,000 be denied in its entirety.

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

22.

#### Under Council’s Discussion/ Action Items

##### a.- Red Light Cameras. (Vargas)

Councilmember Vargas stated that the main reason Red Light Cameras were introduced was that they would improve our safety. He presented data compiled by the police department indicating traffic accidents at the intersections where the cameras are placed and concluded that since 2004 there have been no notable increases or decreases in red light related accidents at red light camera intersections and therefore no justification for the implementation and extension of the red light camera program in the city.

Councilmember Vargas moved, seconded by Councilmember Valentine, to cancel the Red Light Camera contract.

ROLL CALL-AYES: Councilmembers Vargas, Valentine  
NOES: Councilmembers English, Michelin, Mayor Juarez

##### b.- Fusion – MTA issue. (Vargas)

Councilmember Vargas suggested that Council write a collective letter on behalf of the Fusion residents in opposition of the proposed maintenance facility that may be built on the MTA property next to the Fusion complex. Due to pending litigation between MTA and Fusion, some Councilmembers felt it was not in the best interest of the City to collectively as a Council support this issue, but individually, Councilmember could write letters of support if they so wished.

Councilmember Vargas moved, seconded by Councilmember Valentine that Council write a collective letter of general support of the Fusion residents

ROLL CALL-AYES: Councilmember Vargas  
NOES: Councilmember English  
ABSTAIN: Councilmembers Valentine, Michelin, Mayor Juarez

##### c.-Protocol for City Councilmembers re: conduct. (English)

Councilmember English spoke on the conduct, respect and authority of council. Although there is municipal code already established for Councilmembers during meetings, there's no such code outside of council meetings on how Councilmembers should conduct themselves since they are still representing Hawthorne whether they are in Hawthorne or not. It has been brought to the attention of Councilmember English that certain members were misrepresenting themselves and using titles that they no longer had and believes this sort of behavior needs to be reprimanded.

Councilmember English moved, seconded by Mayor Juarez to provide direction on the different options of reprimand for conduct outside of City Council meetings.

ROLL CALL-AYES: Councilmembers English, Michelin, Vargas, Mayor Juarez.  
NOES: Councilmember Valentine

23.

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

City Treasurer **Lubenec** stated that he doesn't think the Red Light Cameras are necessarily an accident program but more or less a prevention of potential accidents to happen. The purpose of the light isn't just to prevent an accident, but to hopefully make drivers follow the law.

Councilmember **Vargas** thanked everyone for coming out to speak their minds and express their views. Councilmember Vargas can always be contacted by phone, by email and by his open office hours at City Hall on the second and fourth Mondays of the month from 4:30pm to 5:30pm.

Councilmember **Valentine** reported that she is working with Sgt. Chris Cognac to get the Community of Hawthorne Action Team "CHAT" active again. The first meeting of CHAT will be held on March 28<sup>th</sup> in the community room of the police department. Homeowner groups, neighborhood watch and residents are encouraged to attend. CHAT was formed so that the community and the police department could form a team and work together to solve problems in the community. Had the pleasure of attending Holly Park Little League opening day ceremony and parade. The league still needs volunteer coaches; anyone interested should call Raphael Scott at 424-901-3313.

Councilmember **Michelin** attended the opening day of the girl's softball league at Hawthorne High School. Attended the Posey League at Bud Carson Middle School, a league that brings kids from Moneta Gardens together and other Hawthorne School District schools together every year to play basketball against each other. Attended the Lions meeting where community hero Victor Penzo received an award for all the contributions he's made to the community. Congratulated James Bland on becoming an Eagle Scout. Thanked Mr. Peña for making a donation to help out Holly Park and the Holly Park parade. Announced that the Ramona Neighborhood Association will meet on March 15<sup>th</sup>.

24.

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) (one case).

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) (one case). Mayor Juarez announced that staff had been directed.

## TABLED ITEMS

25.

Authorize the transfer of \$200,000 from City's General Fund to Housing Authority's Portable Funds and forgive remaining debt of \$450,000.

**RECOMMENDED MOTION:** That the City Council authorize and approve transfer of \$200,000 from City's General Fund to Housing Authority's Portable Funds and forgive remaining debt of \$450,000.

26.

Agreement between the City of Hawthorne and MuniServices, LLC, pursuant to the Council's direction to Provide Contract Services Relating to Business License Tax Discovery and Audit Services.

**RECOMMENDED MOTION:** That the City Council Approve the Agreement and authorize the Interim City Manager to execute it on behalf of the City.

**Mayor Juarez without any objection from the City Council requested that items 25 and 26 be tabled.**

## **ADDED ITEM**

27.

### **RESOLUTION NO. 7430**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA APPROVING A LEASE AGREEMENT BY AND BETWEEN THE HAWTHORNE HISTORICAL SOCIETY AND THE CITY OF HAWTHORNE FOR USE OF A PORTION OF THE FORMER HAWTHORNE POLICE DEPARTMENT BUILDING FOR THE ORGANIZATION AND DISPLAY OF CITY HISTORICAL ARTIFACTS. Motion to adopt.

**Mayor Juarez without any objection from the City Council requested that the added item be tabled.**

28.

Mayor Juarez adjourned the regular meeting in memory of Grace Marie Rinaldi and Marilyn Sue Jenkins at 10:31p.m.

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Norbert Huber  
City Clerk