

**MINUTES OF A REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF HAWTHORNE,
CALIFORNIA HELD APRIL 14, 2015.**

Mayor Pro Tem Valentine called the City Council, 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 Reyes English, Michelin, Valentine, Vargas.
Absent: Mayor Brown.

Patricia Donaldson gave the evening's invocation. Former Councilmember Gary Parsons led the Pledge of Allegiance.

The Fireworks Drawing was postponed until the next meeting.

1.

Under oral communications, **Patricia Donaldson**, Hawthorne Chamber of Commerce, announced that the next Chamber mixer will be held on April 23rd at Mychal's Learning Place. They will also be holding their 1st Annual Golf Tournament on July 10th. **Darlene Love** requested Council's attendance for Volunteer Appreciation Day. **Gordon Mego** spoke on the lack of hospitals in the region. Spoke in opposition of Resolution 7710. **Allen Richards** spoke on Council's responsibility to clean up the city. Asked that Council honor Resolution 7653 which limits commissioners to eight consecutive terms as there are currently commissioners that have served more than eleven years. Spoke in opposition of Resolution 7710. **Lynn Vaughn** spoke in opposition of Resolution 7710 and in support of a hospital in Hawthorne. **Raymond Vergara** asked that Council receive full disclosure of all trips and expenses by the Mayor since taking office. Spoke on fiscal responsibility. **Alex Flores**, Hawthorne High School Senior, invited everyone to attend Relay for Life from April 26 to April 27. Also invited everyone to attend the Candyland Carnival from April 23rd to April 26th to raise funds for Hawthorne High's Associated Student Body. **Sarah Ferguson**, Hawthorne High Senior, invited Council to attend the Annual Community Fair on April 16th from 12pm to 1pm at Hawthorne High School's quad. **Amie Sheppard** asked that our leadership step up for the interest of the city, for leadership that has pride in our city and for the Mayor to step down and let responsible leadership drive our city forward. **Ruben Sanchez**, North Hawthorne Community Association, spoke against the Mayor's leadership abilities and encouraged Council to talk more with the community. **Thierry Lubenec**, announced that the Relay for Life Survivor breakfast will be held from 7:30 to 8:30, opening ceremonies will begin at 9 and an Iluminaria at 9pm. Everyone is invited to walk at this free event. **Speaker** expressed opposition to Resolution 7710 and asked that the owner of the property meet on May 4th with the North Hawthorne Community Association. **Marjorie Currie** spoke in support of a hospital for the community. **Andrea Santana** posed questions regarding misappropriated funds, construction at city hall and Council's responsibilities. **Jason Gromsky** expressed disappointment that again we are forced to talk about another Mayor's issues instead of talking about moving the city forward and the great things going on in the city. Asked that Mayor and Council work with us instead of against each other and against themselves. **Kevin Shauff** asked that everyone step up to make our leaders accountable and to sign the petition to recall three board members of the Centinela Valley Union High School District. **Dulce Stein** spoke on the new art scene in Hawthorne. **Lethelle Williams** would like to see more solutions instead of complaints. Congratulated Public Works Arnie Shadbahr on the improvements along Hawthorne Blvd. **Jose Medina** wanted the voters to know that the Superintendent of the Hawthorne School District is in line to receive free health benefits for her and her husband for the remainder of their lives and asked that the voters keep an eye on this. **Frances Stiglich** turned in a petition regarding improvements at the Senior Center. Spoke in favor of a hospital for Hawthorne. Feels officials are taking too many trips.

2.

Mayor Pro Tem Valentine recessed the Parking Authority and Housing Authority meetings to conduct the meeting of the City Council.

3.

Councilmember Reyes English, moved seconded by Mayor Pro Tem Valentine, that the reading of the City Council minutes of regular meetings of February 10, 2015, February 24, 2015 and the special meeting of March 24, 2015 be waived and that they be approved and adopted.

ROLL CALL-AYES: Councilmembers Reyes English, Michelin, Valentine, Vargas.

NOES: None. Absent: Mayor Brown.

4.

Councilmember Reyes English, moved seconded by Mayor Pro Tem Valentine, to waive full readings of resolutions and ordinances on February 24, 2015's agenda.

ROLL CALL-AYES: Councilmembers Reyes English, Michelin, Valentine, Vargas.

NOES: None. Absent: Mayor Brown.

5.

The City Treasurer submitted a financial statement regarding warrants.

Warrants Nos.: 192287-192290 ; 444949-445149 ; 29836-30251 ; 10053-10056 ; 1019-1019.

Warrant Totals: \$ 681,668.12 ; \$1,542,841.15 ; \$ 729,832.50 ; \$ 30,677.22 ; \$10, 700.00.

Councilmember Reyes English, moved seconded by Mayor Pro Tem Valentine, that the following warrants, properly audited and signed, be paid.

ROLL CALL-AYES: Councilmembers Reyes English, Michelin, Valentine, Vargas.

NOES: None. Absent: Mayor Brown

RESOLUTIONS

6.

RESOLUTION NO. 7697

A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF HAWTHORNE, CALIFORNIA ENFORCING ON-STREET PARKING "T"s ON HAWTHORNE BOULEVARD AND ALL RESIDENTIAL NEIGHBORHOODS.

Councilmember Reyes English, moved seconded by Mayor Pro Tem Valentine, that Resolution 7697 be approved and adopted.

ROLL CALL-AYES: Councilmembers Reyes English, Michelin, Valentine, Vargas.

NOES: None. ABSENT: Mayor Brown.

7.

RESOLUTION NO. 7698

A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF HAWTHORNE, CALIFORNIA PROCLAIMING APRIL AS "SEXUAL ASSAULT AWARENESS MONTH" AND APRIL 23, 2015 AS "DENIM DAY" IN HAWTHORNE.

Councilmember Reyes English, moved seconded by Mayor Pro Tem Valentine, that Resolution 7698 be approved and adopted.

ROLL CALL-AYES: Councilmembers Reyes English, Michelin, Valentine, Vargas.

NOES: None. ABSENT: Mayor Brown.

8.

RESOLUTION NO. 7710

A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF HAWTHORNE, CALIFORNIA APPROVING SUBDIVISION IMPROVEMENT AGREEMENT MEMORIALIZING CERTAIN

CONDITIONS OF APPROVAL AND ACCEPTING ITS FAITHFUL PERFORMANCE BOND IN PERPETUITY IN CONJUNCTION WITH THE APPROVED PRESTIGE VILLAS SPECIFIC PLAN (SPECIFIC PLAN NO. 2007SP01).

Councilmember Vargas recused himself from this item due to living near the project.

For the record, Councilmember Reyes English stated that the RFK hospital project was something that's been discussed in length with Congresswoman Waters and other folks that we met with in Washington, D.C. with regards to potential funding for Veteran housing. This is something that we tried hard to lobby on and tried to make the connection with the private/public partnership and trying to find resources and monies to ultimately bring other than housing.

Councilmember Valentine requested that this item be continued to the next meeting.

9.

RESOLUTION NO. 7711

A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF HAWTHORNE, CALIFORNIA DECLARING ITS INTENTION TO LEVY STREET LIGHTING ASSESSMENTS FOR FISCAL YEAR 2014-2015 AND SETTING TUESDAY, APRIL 28, 2015 AT 6:00 P.M. AS THE TIME AND DATE OF A PUBLIC HEARING.

Councilmember Reyes English, moved seconded by Mayor Pro Tem Valentine, that Resolution 7711 be approved and adopted.

ROLL CALL-AYES: Councilmembers Reyes English, Michelin, Valentine, Vargas.

NOES: None. ABSENT: Mayor Brown.

10.

RESOLUTION NO. 7712

A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF HAWTHORNE, CALIFORNIA IN SUPPORT OF THE AMERICAN BEVERAGE ASSOCIATION AND ITS LEADING MEMBER COMPANIES' LAUNCH OF "BALANCE CALORIES", AN INITIATIVE TO HELP FIGHT OBESITY BY ENCOURAGING AMERICANS TO BALANCE WHAT THEY EAT AND DRINK, INCLUDING BEVERAGES, WITH WHAT THEY DO.

Councilmember Reyes English, moved seconded by Mayor Pro Tem Valentine, that Resolution 7712 be approved and adopted.

ROLL CALL-AYES: Councilmembers Reyes English, Michelin, Valentine, Vargas.

NOES: None. ABSENT: Mayor Brown.

11.

RESOLUTION NO. 7714

A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF HAWTHORNE, CALIFORNIA REMOVING 2-HOUR PARKING RESTRICTION ON THE WEST SIDE OF HAWTHORNE BOULEVARD FROM 13023 HAWTHORNE BOULEVARD TO 131ST STREET.

Councilmember Reyes English, moved seconded by Mayor Pro Tem Valentine, that Resolution 7714 be approved and adopted.

ROLL CALL-AYES: Councilmembers Reyes English, Michelin, Valentine, Vargas.

NOES: None. ABSENT: Mayor Brown.

12.

RESOLUTION NO. 7715

A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF HAWTHORNE, CALIFORNIA APPROVING THE CITY OF HAWTHORNE BUSINESS RETENTION, EXPANSION AND ATTRACTION PROGRAM FOR NEW AND EXISTING BUSINESSES.

Mayor Pro Tem Valentine moved, seconded by Councilmember Reyes English, that Resolution 7715 be approved and adopted with the interlineation by the City Attorney and Councilmember Reyes English.

ROLL CALL-AYES: Councilmembers Reyes English, Michelin, Valentine, Vargas.
NOES: None. ABSENT: Mayor Brown.

PUBLIC HEARING

13.

City Clerk Huber announced that this was the time and place for the Public Hearing and approval of Resolution No. 7701 adopting an Economic Development Element.

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

Mayor Pro Tem Valentine called for public comments.

Under oral comments **Jason Gromsky**, Chair of the Hawthorne Economic Council, spoke in favor of adding this economic element to the General Plan.

Mayor Pro Tem Valentine closed the public comments. MOTION CARRIED.

RESOLUTION NO. 7701

A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF HAWTHORNE, CALIFORNIA ADOPTING AN ECONOMIC DEVELOPMENT ELEMENT.

Councilmember Reyes English moved, seconded by Mayor Pro Tem Valentine, that Resolution 7701 be approved and adopted.

ROLL CALL-AYES: Councilmembers Reyes English, Michelin, Valentine, Vargas.
NOES: None. ABSENT: Mayor Brown.

14.

City Clerk Huber announced that this was the time and place for the Public Hearing and approval and Adoption of Ordinance No. 2089 related to Day Care Facilities.

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

Mayor Pro Tem Valentine called for public comments.

Under oral comments, no one expressed a desire to be heard.

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

ORDINANCE NO. 2089 (2nd Reading)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, AMENDING TITLE 17 OF THE HAWTHORNE MUNICIPAL CODE, CHAPTERS 17.04 (DEFINITIONS), 17.25 (C-1 FREEWAY COMMERCIAL/MIXED USE CLASSIFICATION), 17.26 (C-2 LOCAL COMMERCIAL CLASSIFICATION), 17.35 (ON-PREMISES SIGNS), AND 17.87 (MIXED-USE OVERLAY ZONE (MU)); RELATED TO THE REGULATION OF DAY CARE FACILITIES.

Mayor Pro Tem Valentine moved, seconded by Councilmember Vargas, that Ordinance No. 2089 be approved and adopted.

ROLL CALL-AYES: Councilmembers Reyes English, Vargas, Valentine.

NOES: Councilmember Michelin. ABSENT: Mayor Brown.

ORDINANCES

16.

ORDINANCE NO. 2086 (2nd Reading)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, REPEALING AND RE-ENACTING SECTION 8.20 (NUISANCES) OF TITLE VIII (HEALTH AND SAFETY) OF THE HAWTHORNE MUNICIPAL CODE, RELATING TO THE ESTABLISHMENT OF COMPREHENSIVE PROPERTY MAINTENANCE STANDARDS, INCLUDING THE DESIGNATION OF PUBLIC NUISANCES, ESTABLISHING PROCEDURES FOR THE ABATEMENT OF PUBLIC NUISANCES, INCLUDING THE ABATEMENT OF ABANDONED, WRECKED, DISMANTLED AND INOPERATIVE VEHICLES AND REPEALING CHAPTER 8.40 (PROPERTY MAINTENANCE).

Mayor Pro Tem Valentine moved, seconded by Councilmember Reyes English, that Ordinance No. 2086 be approved and adopted.

ROLL CALL-AYES: Councilmembers Reyes English, Michelin, Vargas, Valentine.

NOES: None. ABSENT: Mayor Brown

17.

ORDINANCE NO. 2090 (2nd Reading)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, REPEALING CHAPTER 5.70 (STREET AND HOUSE NUMBERING) OF DIVISION II (BUSINESSES REGULATED) OF TITLE V (BUSINESS REGULATION AND LICENSES) AND ADDING A NEW CHAPTER 9.67 (STREET AND HOUSE NUMBERING) TO DIVISION 6 (CONSUMER PROTECTION) OF TITLE 9 (PUBLIC PEACE, MORALS AND WELFARE) OF THE HAWTHORNE MUNICIPAL CODE, RELATING TO PAINTING, STENCILING OR OTHERWISE MARKING STREET OR HOUSE NUMBERS ON CURBS OR ANY OTHER PORTION OF THE STREET.

Mayor Pro Tem Valentine moved, seconded by Councilmember Vargas, that Ordinance No. 2090 be approved and adopted.

ROLL CALL-AYES: Councilmembers Reyes English, Michelin, Vargas, Valentine.

NOES: Councilmember Reyes English. ABSENT: Mayor Brown

The City Manager, Michael Goodson, presented the following agenda and requested approval of the indicated recommendations:

18.

Approve Progress Payment #1 due to Zumar Industries to supply signage and hardware for the City in the amount of \$7272.43 which will be funded through the approved and allocated Gas Tax funds.

19.

Acceptance of 3-foot wide right-of-way dedicated on a portion of Lot 277 of Division B, of Tract No. 874, in The City of Hawthorne, County of Los Angeles, State of California, as per map recorded in Book

17, Page 110 and 111 of maps, in the office of the County Recorder of the County of Los Angeles.

Mayor Pro Tem Valentine moved, seconded by Councilmember Vargas, to approve items 18 and 19 of the City Manager's consent calendar.

ROLL CALL-AYES: Councilmembers Reyes English, Michelin, Valentine, Vargas.

NOES: None. ABSENT: Mayor Brown.

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

20.

Claim of Edward Cobbens for civil rights violation.

Mayor Pro Tem Valentine moved, seconded by Councilmember Reyes English, that the claim filed on behalf of Claimant Edward Cobbens for civil rights violation be denied in its entirety.

ROLL CALL-AYES: Councilmembers Reyes English, Michelin, Valentine, Vargas.

NOES: None. ABSENT: Mayor Brown.

Mayor Brown arrived at the beginning of the Primestor hearing.

15.

City Clerk Huber announced that this was the time and place for the Public Hearing on Primestor Development Inc.'s Appeal of City of Hawthorne's Denial of Building & Grading Permits (Farmers Boy Restaurant – proposed location – 2750 West 120th Street on Lot No. 2 of Tract No. 53336-02) The lot is currently occupied by a parking lot on the lot's northern portion and a retail use building on the southern portion.

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

Regarding item number 15 on the agenda tonight, as the City Attorney, I have provided legal opinions to the City Council regarding Primestor's position as it pertains to the issuance of the building and grading permits. Under the holdings in *Nightlife Partners vs. City of Beverly Hills* and *Quintero vs. City of Santa Ana*, it is not advisable for a city attorney to perform dual functions of both advocate and advisor to the City Council. Therefore, I will recuse myself from the Primestor appeal hearing and Mr. John Cotti of Jenkins and Hogin will appear here in my place.

Required disclosure by Councilmember Vargas, he stated: Before beginning discussion on agenda item number 15 with regards to the appeal of Primestor to the Building Director's denial of the building permit, I would like to disclose that I have met with both representatives of Primestor and other interested parties related to the Hawthorne Airport. My purpose in attending the meetings was to listen to their brief presentations on their perspectives on Primestor's appeal. At no time during the meetings did I indicate my position on the Primestor appeal nor did I make any commitment to Primestor or parties related to the Hawthorne Airport. My intention tonight is to listen to staff and hear from the Primestor representatives before I make up my mind and come to a decision this evening. Therefore I will be participating in this agenda item with an open mind.

Kevin Ennis, Special Counsel to the City of Richards Watson & Gershon argued that the City Council should uphold the Building Director's decision to deny Primestor's application for a building and grading permit.

Alfred Fraijo, Land Use Attorney representing applicant Primestor of Sheppard, Mullin, Richter & Hampton argued that the City Council should reverse the Building Director's decision to deny Primestor's application for a building and grading permit.

Under public comments **Gary Parsons**, Former Councilmember recommended that Council deny the Developer's appeal and uphold the Building and Safety Director's denial of permits until the Developer complies with the subdivision of the property map act. **David Worley**, representing the private part of the

public/private partnership created at the Hawthorne Airport and representing the HHR, LLC portion, urged the Council to deny this appeal and allow the staff to process this project in a thoughtful, methodical manner. **Larry Guidi**, Former Mayor, recommended to go with staff's recommendation and go through CEQA. **Arturo Snyder**, CEO & Founder of Primestor, stated that the issue at hand is the development and construction of the building in the location they are proposing because they have that ability by right.

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

Councilmember Valentine moved, seconded by Councilmember Vargas, to uphold the Building Director's decision denying the grading and building permit as follows. To move to direct staff to prepare a resolution upholding the Building Director's decision denying grading and building permits for development of a restaurant at 2750 W. 120th Street, Lot No. 2 of Tract No. 5336-02

ROLL CALL-AYES: Councilmembers Valentin, Vargas.

NOES: Councilmember Reyes English

ABSTAIN: Councilmember Michelin, Mayor Brown .

MOTION FAILS

Councilmember Reyes English moved, seconded by Mayor Brown to continue this item.

ROLL CALL-AYES: Councilmembers Reyes English, Michelin, Valentine, Vargas, Mayor Brown.

NOES: None.

At this time Mayor Brown and Councilmember Reyes English left the dais.

21.

CITY COUNCIL'S DISCUSSION/ACTION ITEMS

a.- Direct staff to prepare public report for City Website detailing expenses of each Elected Official's (including City Manager) trips, conferences, meetings and seminars, including plane fare, taxis, meals, drinks, room service, movies and other entertainment expenses. Period of report: 1-1-2014 to present. (Vargas)

In the interest of transparency, full disclosure and compliance with the law, Councilmember Vargas asked the remaining Councilmembers to approve this item. There being no objections, Councilmember Vargas directed staff to complete this report.

b.- Status of elected officials use of city vehicles. (Vargas)

Due to talk that city vehicles are still being used by elected officials, Councilmember Vargas asked for a report by city staff on this item. There being no objections, Councilmember Vargas directed city staff to complete this report.

c.- Report from city manager re whether city staff and city resources are being used to create press releases for Mayor. (Vargas)

Councilmember Vargas directed to have a written report by the City Manager regarding this item.

Mayor Brown returned to the dais at this time.

d.- Establish policy on going-forward basis for City to have full-recruitment process for all City Hall employees, whether permanent, temporary or seasonal. (Michelin)

Due to complaints from residents that all available city jobs are not being posted, Councilmember Michelin directed the City Attorney to establish guidelines on this issue.

e.- Discuss whether City Reimbursement Policy needs to be updated for travel, meal, lodging and other actual and necessary expenses. (Michelin)

Councilmember Michelin stated that he wants policy implemented that all conferences for elected officials be preapproved by Council. This item will be brought back pending research as to whether it had already been brought before Council within the previous 12 months.

f.- Reorganization of City Council (Michelin)

Councilmember Michelin stated that traditionally people have served Mayor Pro Tem terms of one year. He is the only member on the dais that has not served as Mayor Pro Tem so he would like to nominate himself to be mayor Pro Tem. He plans to take a new approach as far as full transparency and fiscal responsibility and build on everything that's been done in the past.

Councilmember Michelin moved, second by Mayor Brown, to appoint Councilmember Michelin as Mayor Pro Tem.

ROLL CALL-AYES: Councilmembers Michelin, Vargas.

NOES: Councilmember Valentine, Mayor Brown. ABSENT: Councilmember Reyes English

At this time Mayor Brown left meeting

22.

Under Elected Official Reports and Recommendations.

City Treasurer **Patterson** spoke on attending the art gallery event curated by Dulce Stein. Stated that he gave all Councilmembers a report on what other treasurers in the region are doing as far as recommendations on our surplus funds and asked that we put policies in place to better integrate the Treasurer's office in the investment process. In order to bring more production to the city, suggested making direct relationships with some producers and location scouts to encourage them to come to the city.

City Clerk **Huber** reported on the Hawthorne Golf Tournament and stated that he is still experiencing outages from Southern California Edison.

Councilmember **Vargas** expressed disappointment with elected officials who choose when to be present within the Council Chambers and when to leave. Looks forward to hearing further additional arguments from both side regarding Primestor's appeal

Councilmember **Michelin** thanked the Hawthorne High School students who spoke on Relay for Life. Reported on attending Dulce Stein's art reception.

Mayor Pro Tem Valentine reported on Hawthorne's art scene and the success of Phantom Galleries. Thanked everyone who has created these art programs.

23.

Mayor Pro Tem Brown adjourned the regular meeting at 11:50 p.m.

Norbert Huber
City Clerk