

**MINUTES OF A REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF HAWTHORNE,
CALIFORNIA HELD AUGUST 11, 2015.**

Mayor Brown called the City Council, Parking Authority, and Housing Authority meetings to order jointly and concurrently at 6:10 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, Mayor Brown.
Absent: None.

Patricia Donaldson gave the evening's invocation. Mayor Chris Brown led the Pledge of Allegiance.

Chief Robert Fager gave an update on Police Department Response Times, CITY/Neighborhood Crime Statistics and the Shopping Center Security Improvement Plan.

Human Resources Director David Roberts presented a brief video of the award winning stories produced by the Hawthorne Cable Department which include Coffee with a Cop and Our Town Continental Gourmet and also introduced several members of the cable department staff.

1.

Under oral communications, **Patricia Donaldson**, Hawthorne Chamber of Commerce, announced that their Board of Directors Installation will be held on August 28th at 11:30am at the Memorial Center. Also announced that October 18th at 9:30 am is the date that the Chamber will go to court regarding \$2500 that they are trying to get back. **Robert Pullen-Miles**, District Director for Assemblywoman Autumn Burke, invited Council and residents to attend Assemblymember Burke's 1st Annual Back to School Health and Wellness Fair which will take place on August 29th at Oakwood Park in Venice from 10am to 3 pm. **Gordon Mego** stressed that it is very important for the leaders in our city to get together with interested parties to work together to make a hospital happen for Hawthorne now that Martin Luther King Hospital in South Los Angeles has been completed. **Speaker** agrees that we need a hospital nearby and will work to get one. Spoke regarding an issue with a check that was returned.

2.

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

3.

Mayor Brown moved, seconded by Councilmember Vargas, to waive full readings of resolutions and ordinances on August 11, 2015's agenda.

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

4.

The City Treasurer submitted a financial statement regarding warrants.

Warrants Nos.: 128824-192507 ; 447379-447600 ; 32342-32343 ; 10081-10082; 1030-1030

Warrant Totals: \$ 764,971.29 ; \$842,535.02 ; \$ 278.92 ; \$ 19,218.16; \$30,000.00

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

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

RESOLUTIONS

5.

RESOLUTION NO. 7731

A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF HAWTHORNE, CALIFORNIA AUTHORIZING THE CITY OF HAWTHORNE TO WITHDRAW ITS MEMBERSHIP IN THE LOS ANGELES REGIONAL INTEROPERABLE COMMUNICATION SYSTEM (LA-RICS) JOINT POWERS AGREEMENT (JPA).

Mayor Brown moved, seconded by Councilmember Reyes English, that Resolution 7731 be approved and adopted.

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

6.

RESOLUTION NO. 7738

A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF HAWTHORNE, CALIFORNIA AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO CANCEL AN EXISTING RESIDUAL RECEIPTS NOTE AND ACCEPT A NEW SURPLUS CASH NOTE FOR THE BENEFIT OF A 75-UNIT TELACU SENIOR HOUSING PROJECT.

Mayor Brown moved, seconded by Councilmember Reyes English, that Resolution 7738 be approved and adopted.

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

7.

RESOLUTION NO. 7742

A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF HAWTHORNE, CALIFORNIA DESIGNATING 122ND STREET, BETWEEN MENLO AVENUE AND FREEMAN AVENUE AS A PREFERENTIAL PARKING ZONE.

Mayor Brown moved, seconded by Councilmember Vargas, that Resolution 7742 be approved and adopted.

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

8.

RESOLUTION NO. 7743

A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF HAWTHORNE, CALIFORNIA AUTHORIZING THE EXAMINATION OF PREPAID MOBILE TELEPHONY SERVICES SURCHARGE AND LOCAL CHARGE RECORDS.

Councilmember Reyes English requested that this item be brought back at the next City Council meeting.

9.

RESOLUTION NO. 7744

A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF HAWTHORNE, CALIFORNIA AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY TO EXECUTE CERTAIN DOCUMENTS REQUIRED BY THE BOARD OF EQUALIZATION TO COLLECT THE CITY'S UTILITY USER TAX ON PREPAID WIRELESS SERVICE.

Councilmember Reyes English requested that this item be brought back at the next City Council meeting.

10.

At this time the City Attorney recused himself from the Public Hearing.

City Clerk Huber announced that this was the time and place for the **Continued Public Hearing** – 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.

Declaration of publication filed. No written communications were received.

Mayor Brown called for public comments.

Under oral comments, **Arturo Sneider**, Primestor CEO, spoke on the avigation easement. **David Worley**, HHR, LLC, urged Council to vote no on this appeal and let it go through further review. **Robin McCall** spoke against further building in the safety area.

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

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.

Councilmember Valentine moved, seconded by Mayor Brown, to uphold the Building Director's decision denying the grading and building permits, directed 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 #2 of Tracks #5336-02

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

ORDINANCES

11.

ORDINANCE NO. 2096 (1st Reading)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, AMENDING SECTION 2.04.040 (POWERS & DUTIES) OF CHAPTER 2.04 (CITY MANAGER) OF TITLE 2 (ADMINISTRATION, CIVIL SERVICE AND PERSONNEL) OF THE HAWTHORNE MUNICIPAL CODE REGARDING CITY MANAGER RESPONSIBILITIES OF NOTIFYING CITY COUNCIL RE: BUDGET AND GENERAL FUND CASH BALANCE AND AMENDING SECTION 2.06.140 (ORDER OF BUSINESS) OF CHAPTER 2.06 (CITY COUNCIL) OF TITLE 2 (ADMINISTRATION, CIVIL SERVICE AND PERSONNEL) RE: ADDING AGENDA ITEM RE: BUDGET UPDATE.

Ordinance 2096 was introduced by title only by Councilmember Valentine.

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

12.

Approve and contractual service agreement with 'PlanNet Consulting, LLC' for RFP development and project management with respect to integrating (free) WI-FI service into the City.

Councilmember Reyes English moved, seconded by Councilmember Michelin, to table this item.

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

13.

Approve Progress Payment #6 due to Martinez Landscape. The amount of \$112,371.73 will be funded through Gas Tax and Weed Abatement funds.

14.

Approve the Plans & Specifications and authorize the Chief of General Services and Public Works to advertise for bids with a return date of September 8, 2015 for HSIP PROJECT #11-01 – Construction of Traffic Signal at Intersections of Inglewood Ave. and Imperial Hwy., Inglewood Ave. and 118th St., Inglewood Ave. and 120th St., Inglewood Ave. and Broadway and Inglewood at El Segundo Blvd – Out to Bid

15.

Approve Professional Services Agreement between City of Hawthorne and LDM Associates regarding CDBG and Home Residential Rehabilitation Program Inspection and Construction Management Services

Mayor Brown moved, seconded by Councilmember Reyes English, to approve items 13-15 of the City Manager's consent calendar.

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

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

16.

Subrogation Claim of State Farm Insurance, Dangerous Condition of Public property on March 23, 2015 at 141st Street and Hawthorne Boulevard.

RECOMMENDED MOTION: That the City Council Deny Claim of State Farm.

Mayor Brown moved, seconded by Councilmember Reyes English, that the Subrogation Claim of State Farm Insurance, Dangerous Condition of Public property on March 23, 2015 at 141st Street and Hawthorne Boulevard be denied in its entirety.

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

CITY COUNCIL'S DISCUSSION/ACTION ITEMS

17.

a.- City Council support opposing AB 113 (Governor Brown's Proposal Affecting Redevelopment Dissolution, which reverses and constricts previous incentives and due process offered to cities.) (Valentine)

Councilmember Valentine moved, seconded by Mayor Brown, to oppose AB 113.

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

Under Elected Official Reports and Recommendations.

18.

City Treasurer **Patterson** reported on attending National Night Out. Announced open office hours for the community to meet him and ask questions and make suggestions regarding the Treasurer's office this Friday from 6 to 7:30 and next Monday between 12 and 1.

City Clerk **Huber** clarified that he is not running for Mayor. Commended his staff for their hard work during the election process.

Councilmember **Vargas** reported on attending National Night Out. Asked for Council's support to allow the North Hawthorne picnic to be placed on the list of groups that can be donated to. Announced that the North Hawthorne Community Association will be having a picnic at Eucalyptus Park on August 30th from 12 to 4; everyone is invited to attend.

Councilmember **Michelin** reported on attending National Night Out. Commended the Clerk's office for doing a good job. Wished everyone in the campaign good luck.

Councilmember **Reyes English** spoke on how often times it is difficult as a Councilmember to make decisions and thanked all for their due diligence at tonight's public hearing.

Councilmember **Valentine** reported on attending National Night Out. Spoke on attending Days of Dialogue today which was given by the Institute for Non-Violence in Los Angeles. Announced that in the near future she will be working to change the Ordinance to make sure our airport is protected from development in the runway protection zone. Thanked Chief Fager for the report on the police department response time and all the efforts that have been made to keep great statistics. With respect to the shopping center security plan, is delighted with the inroads that have been made in order provide safety to the public.

Mayor **Brown** spoke on National Night Out and thanked city employees for setting up and taking down this event in one day. Thanked the police department for all the hard work they've done over the last year. Thanked the City Clerk's office for their work with the elections and wished all the candidates luck.

19.

Mayor Brown called for oral communications and no one indicated a desire to be heard.

Mayor Brown recessed the City Council meeting to conduct a **Closed Session**: Conference with Legal Counsel – Anticipated Litigation, Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 (Two potential cases)

Mayor Brown called the City Council meeting back to order following recess with all Councilmembers present. He announced that the **closed session** was to discuss Conference with Legal Counsel – Anticipated Litigation, Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 (Two potential cases) and with regard to the first matter, City Attorney has been directed to draft a settlement agreement with Enviro Communications and the Council has authorized the City Manager to execute that agreement. With regard to the second matter, the City Attorney has been directed.

20.

Mayor Brown adjourned the regular meeting at 9:56 p.m.

Norbert Huber
City Clerk