Inglewood, California September 19, 2006

The City Council of the City of Inglewood, California held a regular meeting on Tuesday, September 19, 2006 in the Council Chambers in City Hall of said City.

Mayor pro tem Price called the meeting to order at the hour of 6:32 p.m. The City Clerk announced the presence of a quorum as follows:

Present: Mayor pro tem Price, Council Members Dunlap, Morales and

Franklin;

Absent: Mayor Dorn. (Arrived at 7:09 p.m.)

City officials and personnel present for closed session were:

Yvonne Horton City Clerk

Joseph T. Rouzan, Jr.

Cal Saunders

Margaret Baird

Katie Howe

City Administrator

Interim City Attorney

Administrative Assistant

Administrative Analyst

Mayor pro tem Price called the Redevelopment Agency into joint session with the City Council at the hour of 6:32 p.m.

134 <u>PUBLIC COMMENTS REGARDING CLOSED SESSION ITEMS ONLY.</u>
Mayor/Chairman Price inquired if there were any persons present who wished to address the City Council/Redevelopment Agency on any closed session items.

There was no response.

Mayor/Chairman pro tem Price recessed the City Council/Redevelopment Agency at the hour of 6:33 p.m. for closed session item nos. CS-1, CSR-1 and CSR-2.

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Following the Pledge of Allegiance to the flag of our Country and invocation by Mayor Dorn, the meeting was again called to order at the hour of 7:09 p.m.

City officials and personnel present were:

Yvonne Horton City Clerk
Wanda M. Brown City Treasurer
Joseph T. Rouzan, Jr. City Administrator

Jerry GivensAssistant City AdministratorJeff MuirAssistant City AdministratorMargaret BairdAdministrative AssistantKatie HoweAdministrative Analyst

- 127.2 **COMMENTS BY MAYOR DORN.** Mayor Dorn announced that agenda item no. 8 was pulled from the agenda.
- 134 **PUBLIC COMMENTS AGENDA ITEMS.** Mayor Dorn inquired if there were any persons present who wished to address the City Council on any item on the agenda.

Paul Russell, District 2, spoke concerning agenda item nos. 6, 0-1, CA-1 and R-4.

Council Member Dunlap left the Council Chambers at the hour of 7:11 p.m. and returned at the hour of 7:12 p.m.

Diane Sambrano spoke concerning agenda item nos. CA-1, adoption of a resolution approving and adopting the 2006-2007 fiscal year budget and 0-1, emergency salary ordinance for the 2006-2007 fiscal year.

Ethel Austin spoke concerning agenda item no. 0-1, emergency salary ordinance for the

2006-2007 fiscal year.

Willie Agee spoke concerning agenda item no. CA-1, adoption of a resolution approving and adopting the 2006-2007 fiscal year budget.

Roosevelt Douglas, District 3, spoke concerning agenda item no. CA-1, adoption of a resolution approving and adopting the 2006-2007 fiscal year budget.

Hector Beltran spoke in Spanish.

Frederick Davis spoke agenda item nos. 3, 4, 5 and 7.

Teri Boysaw, District 2, spoke concerning agenda item no. CA-1, adoption of a resolution approving and adopting the 2006-2007 fiscal year budget.

142.9 **PAYMENTS OF WARRANTS AND BILLS**. It was moved by Council Member Franklin and seconded by Council Member Morales that the demands presented to the City Council dated September 14, 2006 in the amount of \$2,253,530.14 are hereby approved and the City Clerk is hereby authorized to certify upon said registers that said demands are so approved. The motion was carried by the following roll call vote:

Ayes: Council Members Price, Morales, Franklin and Mayor Dorn;

Noes: Council Member Dunlap.

MINUTES. It was moved by Council Member Morales and seconded by Council Member Franklin that the minutes of the meeting of August 29, 2006 be approved as recorded. The motion was carried by the following roll call vote:

Ayes: Council Members Price, Dunlap, Morales, Franklin and Mayor Dorn;

Noes: None.

AWARD OF CONTRACT – 2006 SIDEWALK AND PEDESTRIAN RAMP

RECONSTRUCTION AND INTERSECTION GEOMETRY IMPROVEMENT

PROJECT – KALBAN INCORPORATED. Staff report dated September 19, 2006 was presented recommending award of a construction contract for the 2006 Sidewalk and Pedestrian Ramp Reconstruction and Intersection Geometry Improvement Project, subject to execution of the approved contract documents.

It was moved by Council Member Morales and seconded by Council Member Franklin that the City Council does hereby award contract to Kalban, Inc. in the amount of \$502,117. The motion was carried by the following roll call vote:

Ayes: Council Members Price, Dunlap, Morales, Franklin and Mayor Dorn;

Noes: None.

183.50 <u>AWARD OF CONTRACT – 2006 STREET IMPROVEMENT PROJECT – EXCEL</u>

<u>PAVING COMPANY.</u> Staff report dated September 19, 2006 was presented recommending award of a construction contract for the 2006 Street Improvement Project, subject to execution of the approved contract documents.

It was moved by Council Member Morales and seconded by Council Member Franklin that the City Council does hereby award contract to Excel Paving Company in the amount of \$382,500. The motion was carried by the following roll call vote:

Ayes: Council Members Price, Dunlap, Morales, Franklin and Mayor Dorn;

Noes: None

183.50 <u>AWARD OF CONTRACT 2006 ALLEY RECONSTRUCTION PROJECT – NOBEST INCORPORATED.</u> Staff report dated September 19, 2006 was presented recommending award of a construction contract for the 2006 Alley Reconstruction Project, subject to execution of the approved contract documents.

It was moved by Council Member Morales and seconded by Council Member Franklin that the City Council does hereby award contract to Nobest, Inc., in the amount of \$325,000.

The motion was carried by the following roll call vote:

Ayes: Council Members Price, Dunlap, Morales, Franklin and Mayor Dorn;

Noes: None.

142.50 <u>AGREEMENT NO. 06-94 APPROVED – CA-ICA INCORPORATED.</u> Staff report dated September 19, 2006 was presented recommending approval of an agreement with CA-ICA, Inc. (known as Integrated Claims Administrators, Inc.) for third party Workers' Compensation Claims Administration.

It was moved by Council Member Morales and seconded by Council Member Franklin that the City Council does hereby approve agreement in the amount of \$150,600 per year. The motion was carried by the following roll call vote:

Ayes: Council Members Price, Dunlap, Morales, Franklin and Mayor Dorn;

Noes: None.

217.14 AGREEMENT NOS. 06-95, 06-96 AND 06-97 APPROVED – LA TAXI

- 217.15 COOPERATIVE, INCORPORATED (DBA YELLOW CAB), UNITED
- 217.13 <u>INDEPENDENT TAXI DRIVERS, INCORPORATED AND ALL YELLOW TAXI.</u>

Staff report dated September 19, 2006 was presented recommending approval of an extension to Agreement Nos. 06-30(A) with LA Taxi Cooperative, Inc. (Yellow Cab), 06-30 with United Independent Taxi Drivers Incorporated (United Independent Taxi), and 06-31 with All Yellow Taxi, for the provision of subsidized taxicab services to senior citizens and disabled adults.

It was moved by Council Member Morales and seconded by Council Member Franklin that the City Council does hereby approve extensions. The motion was carried by the following roll call vote:

Ayes: Council Members Price, Dunlap, Morales, Franklin and Mayor Dorn;

Noes: None.

- 171 <u>CHARTER BUS TRANSPORTATION SERVICES.</u> This item was removed from the agenda.
- 103.3 AGREEMENT NO. 06-98 APPROVED THC INCORPORATED RESOLUTION NO. 06-98 ADOPTED BUDGET AMENDMENT. Staff report dated September 19, 2006 was presented recommending approval of an agreement with THC, Inc. for acoustical design services and adoption of a resolution amending the 2005-2006 annual budget.

It was moved by Council Member Morales and seconded by Council Member Franklin that the City Council does hereby 1) approve agreement in an amount not to exceed \$1,895,225 and 2) that Resolution No. 06-98, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INGLEWOOD, CALIFORNIA, AMENDING THE 2005/2006 ANNUAL BUDGET

be adopted. The motion was carried by the following roll call vote:

Ayes: Council Members Price, Dunlap, Morales, Franklin and Mayor Dorn;

Noes: None.

173.13 ORDINANCE NO. 06-17 - INTRODUCED & ADOPTED - ESTABLISHING PAY RANGE ASSIGNMENTS AND CONDITIONS OF EMPLOYMENT FOR VARIOUS OFFICERS, EMPLOYEES AND POSITIONS IN THE SERVICE OF THE CITY.

The City Clerk read the title of Ordinance No. 06-17; whereupon it was moved by Mayor Dorn and seconded by Council Member Franklin that further reading be waived. The motion was carried by the following roll call vote:

Ayes: Council Members Price, Dunlap, Morales, Franklin and Mayor Dorn;

Noes: None.

Thereupon, Ordinance No. 06-17, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INGLEWOOD,

CALIFORNIA, ESTABLISHING PAY RANGE ASSIGNMENT AND CONDITIONS OF EMPLOYMENT FOR THE VARIOUS OFFICERS, EMPLOYEES AND POSITIONS IN THE SERVICE OF THE CITY; AND REPEALING ALL PREVIOUS ORDINANCES OF THE CITY IN CONFLICT OR AT VARIANCE HEREWITH; AND DECLARING THIS ORDINANCE TO BE AN EMERGENCY ORDINANCE AND STATING THE REASONS THEREFORE

was introduced by Council Member Franklin.

It was moved by Council Member Morales and seconded by Council Member Price that Ordinance No. 06-17, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INGLEWOOD, CALIFORNIA, ESTABLISHING PAY RANGE ASSIGNMENT AND CONDITIONS OF EMPLOYMENT FOR THE VARIOUS OFFICERS, EMPLOYEES AND POSITIONS IN THE SERVICE OF THE CITY; AND REPEALING ALL PREVIOUS ORDINANCES OF THE CITY IN CONFLICT OR AT VARIANCE HEREWITH; AND DECLARING THIS ORDINANCE TO BE AN EMERGENCY ORDINANCE AND STATING THE REASONS THEREFORE

which was introduced at the meeting held on this date be adopted. The motion was carried by the following roll call vote:

Ayes: Council Members Price, Morales, Franklin and Mayor Dorn;

Noes: None;

Not Voting: Council Member Dunlap.

115 **RESOLUTION NO. 06-99 – FY 2006/07 BUDGET.** Staff report dated September 19, 2006 was presented recommending adoption of a resolution approving and adopting the 2006-2007 fiscal year budget.

Following discussion, it was moved by Council Member Franklin and seconded by Council Member Morales that additional staff be added for parking meter collection. The motion was carried by the following roll call vote:

Ayes: Council Members Price, Dunlap, Morales, Franklin and Mayor Dorn;

Noes: None.

It was moved by Council Member Morales and seconded by Council Member Price that Resolution No. 06-99, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INGLEWOOD, CALIFORNIA, APPROVING AND ADOPTING A BUDGET FOR FISCAL YEAR 2006-2007

be adopted. The motion was carried by the following roll call vote:

Ayes: Council Members Price, Morales, Franklin and Mayor Dorn;

Noes: Council Member Dunlap.

115 <u>RESOLUTION NO. 06-100 ADOPTED – ESTABLISHING PER DIEM FOR CITY OFFICIALS AND EMPLOYEES AS WELL AS CITY EMPLOYEES.</u> It was moved by Council Member Morales and seconded by Council Member Price that Resolution No. 06-100, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INGLEWOOD, CALIFORNIA, ESTABLISHING PER DIEM FOR CITY OFFICIALS AND EMPLOYEES AS WELL AS ESTABLISHING AUTOMOBILE ALLOWANCES FOR CITY EMPLOYEES

be adopted. The motion was carried by the following roll call vote:

Ayes: Council Members Price, Dunlap, Morales, Franklin and Mayor Dorn;

Noes: None.

115 **RESOLUTION NO. 06-101 ADOPTED – GANN APPROPRIATIONS LIMIT FOR FISCAL YEAR 2006-2007.** Staff report dated September 19, 2006 was presented recommending adoption of a resolution establishing the City's tax-supported appropriations limitation for the 2006-2007 fiscal year as required by the "Gann Amendment" to the constitution.

It was moved by Council Member Morales and seconded by Council Member Franklin that Resolution No. 06-101, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INGLEWOOD ESTABLISHING AN APPROPRIATIONS LIMIT FOR THE FISCAL YEAR 2006-07

be adopted. The motion was carried by the following roll call vote:

Ayes: Council Members Price, Dunlap, Morales, Franklin and Mayor Dorn;

Noes: None.

- 101 **VERBAL REPORTS CITY ADMINISTRATOR.** The City Administrator thanked the Mayor and Council Members for their confidence in staff by adopting the budget so that they could move forward in other areas. He stated that he has listened tentatively to inputs and comments and would take that into consideration as they move forward and bring some additional amendments throughout the year. He commented that at times Council Member Price has stated that the budget is a working document in progress which could be changed and amended. Lastly, he stated that he was hopeful the City would see revenues that could be added to the budget as the year progresses and would make those additional service requests that have been discussed.
- 132.6 <u>CLOSED SESSION JOSEPH PESQUERA/WORKERS' COMPENSATION.</u> Closed session Confidential Attorney/Client Privileged; Pending Litigation, Government Code Section 54956.9(a): Joseph Pesquera/Workers' Compensation.

Discussion; Direction was given; No final action taken.

Mayor Dorn recessed the City Council at the hour of 8:42 p.m.

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Mayor Dorn reconvened the City Council at the hour of 8:44 p.m.

- 126.2 <u>VERBAL REPORTS CITY CLERK.</u> The City Clerk reported that the period to vote by mail is from October 10th through October 31st and the last day to register to vote is October 23rd.
- 219 <u>VERBAL REPORTS CITY TREASURER.</u> The City Treasurer announced that the City Treasurer's Intern Program will commence on the second Wednesday in October.
- PUBLIC HEARING CONTINUED UPHOLDING THE PLANNING COMMISSION'S DENIAL OF SPECIAL USE PERMIT NO. 1022. The City Clerk announced that the next scheduled matter is a public hearing to consider an appeal to the Planning Commission's denial of Special Use Permit No. 1022 (SP-1022) for the colocation of a wireless rooftop telecommunications facility with three panel antennas on an existing 8,350 square-foot two-story office/warehouse building on M-1 (Light Manufacturing) Zoned property at 917 West Hyde Park Boulevard, that notice of this hearing has been given in the time, form and manner as required by law, the affidavit is on file, the complete file of the Planning Commission was present and no communication was received on the matter.

The City Administrator presented staff report dated September 19, 2006 submitting background information on the matter.

Mayor Dorn ordered the staff report dated September 19, 2006 received and filed.

Wanda Williams, Senior Planner, stated that this matter is an appeal of Special Use Permit No. 1022 which was considered by the Planning Commission and denied on July 5, 2006. She commented that it is a request to allow the Co-Location of a wireless roof top telecommunications roof top facility located approximately 42 feet above ground at 917 West Hyde Park Boulevard. She stated Planning Commission during its deliberations made findings of the Co-Location of the proposed telecommunication facility on a site that presently contains four existing telecommunications including ground and roof-mounted antennas and monopoles. She further stated that this would create an unsightly proliferation of satellite facilities on one site which would affect the community scenic including economic values for the surrounding neighborhood and the four existing satellite facilities. Finally, she commented that there are three other telecommunication facilities located within a one mile radius of the site. She reported that the project is exempt from the CEQA and that a Notice of Exemption is on file in the Planning Department.

Mayor Dorn inquired if there were any persons present who wished to address the City Council on this matter.

Kathleen Hill, Site Development Manager, Metro PCS Royal Steel Communication stated that they were awarded a license to provide wireless services in December, 2005 and they would be developing a network throughout the five counties in the Los Angeles area under the name of Metro PCS. She commented that Metro PCS currently operates in Atlanta, Tampa and Miami and have recently launched in Dallas, Sacramento and San Francisco. She stated that they are a new low cost alternative provider and their target markets are for persons who make around \$60,000 or less. She also stated that in the markets where they have launched, everybody wants it because it is a true flat rate service. She also commented that the site they have selected on Hyde Park is to cover the 405 Freeway and surrounding industrial areas. She stated that in the staff report and in the minutes of the Planning Commission there seems to be some discrepancies about how many satellite sites were actually on the property and that the denial was based on six or seven satellites which is incorrect. Ms. Hill stated that currently on the roof top of the building, Cingular and Tmobile wireless do have internet facility screen and there is a 65 foot monopole on the property managed by American Tower who owns Verizon and Sprint. She further stated that the antennas are screened and so are the ones they are proposing by their company. Finally, she provided pictures to Mayor and the City Council and commented that these show before and after simulation of the existing Cingular and T-mobile wireless antennas that are already on the roof.

Paul Russell, District 2, stated that the location is not in the second district and that his interest is just professional and technical. He commented that when he read the material he saw the objection of there being too many aerials and he has not seen any backing on how many of those aerials or monopoles is right and how many are too much. He stated that he does not understand the basis for stating there is too many and suggested that if the material was read, one would agree it lacks basis for their decision. He further stated he heard comments that this is unsightly and that no one could see the existing antennas or be able to see the new ones unless one has a helicopter or they are traveling on the 405 Freeway. Finally, he commented that the Planning Commission had no valid reason for denying this permit.

Amy Julien commented that she had originally represented Metro PCS and she would disagree with the Planning Commission's findings that the proposed site would result in an unsightly proliferation of telecommunication facilities. She stated that the antennas would be screened and will not have any effect on the community scenic or economic values and that the findings did not provide any specific examples as to how the proposed project would have a negative impact on the community. She further commented that in the minutes of July 5th, the Planning Commission's denial was based on the fact that there are six or seven cell users and that is too many. Finally, she stated that she would request that the City Council take a look at the information that was provided to them this evening and consider the approval of this project.

Thomas Spatton commented that he is one of the owners of the property and he is here tonight requesting that the City Council reconsider the appeal. He commented that the property is located in an industrial area and that there are four, not six or seven antennas. He commented that it is a surprise that judgment would be based on information that is incorrect. He further commented that this is a low cost carrier trying to serve an area that is in need of low cost service and this is not an economic blight to the area but a benefit. Finally, he stated that the existing boxes are screened and they are well within the height limit of the building code which is 75 feet and will not exceed more than 43 feet. He asked that the City Council reconsider and listen to the appeal.

Speaker (No Name Given) stated that he is also an owner of the property and there are two concerns that have been raised this evening the first being the unsightly effect and the other being the property value. He commented that screens are similar to large air-conditioning units on roof tops. In reference to adverse property values, he stated that money has been spent to upgrade the facility and if somebody was going to adversely affect his property he would be here this evening complaining. He also stated that they have not heard any complaints and if they did they would have heard about it. He stated that he does not think there is a concern regarding property values and he hoped the City Council reconsiders the decision that has been made.

Willie Agee stated that he believes in free enterprise and competition. He commented that he has Verizon and they charge too much money and if this project is cheaper it might be a good idea to bring them on. He also stated that he is not aware of all the details but he does know that sometimes, Commissioners do make mistakes and that he thinks the City Council should look at this and perhaps create more competition in the City.

Ethel Austin commented that she also agrees with agenda item no. PH-1. She stated that she also has Verizon and they are too expensive and that the City needed competition. She commented that there are times the phones do not work and she expressed her support for the project and commented that this could be something good for this neighborhood.

Milton Brown stated that he concurred with comments made by Mr. Agee.

Michael Benbow, District 1, commented that he worked in the cellular industry when he first came to Los Angeles. He stated that most people know were the dead spots are and that there are huge dead spots in Inglewood. He also commented that he is aware of the purpose of having cell sites but it is strange that they are in the neighborhoods in this way and that the City is not receiving better services as in other areas. Finally, he stated that he sees a problem here and requested the City Council to take a closer look before making a decision.

Roosevelt Douglas, District 3, stated that he agrees with comments made by Commissioner Agee. He commented that as a Commissioner himself, they sometimes make mistakes and he requested the City Council take a serious look at the matter.

No other persons wishing to address the City Council on this matter, Mayor Dorn declared the public comment section closed at the hour of 9:03 p.m.

Council Member Price commented that he tends to support decisions made by Commissioners and that he has the chance to hear testimonies frequently and is familiar with the issues. He stated that there are times when he thought overriding the Commissioners decisions is appropriate and that this is the case in this matter. He also commented that cellular communication is vital in the community and the City Council should be doing all it can to enhance competition and choices but not restrict them. He stated that it appears there are four carriers already on this property and he is not necessarily persuaded that this is going to be a low cost carrier but he thinks it is significant that there would be another carrier for people to choose from which is worthy of consideration. He also stated that there were discussions made concerning coverage and the location of the site and that he is presuming that the Company is planning on having service throughout the City of Inglewood. He further commented that the property owner and adjoining property

owners are in support of the project and from looking at the pictures, it does not appear to be very intrusive. Finally, he stated that he is inclined to support the appeal but would listen to comments from his colleagues and that he does not know whether or not additional time is needed or required to make a decision. He stated that the City Council should reconsider the denial made by the Planning Commission.

Council Member Dunlap stated that there seem to be some difference of information between what was provided to the City Council and what was presented to the Planning Commission and often times, that is what is accounted for the difference in decisions that are made. She requested that the matter be continued to next week due to the discrepancy with information. She commented that she does support competition and that she would like to speak with her Planning Commissioner to find out why they choose not to support this item. She stated that information from the staff report says there are other types of carriers in the same mile facility and she requested they be made available to her. Finally, she stated that she is inclined to be supportive of this matter but she would like additional information and would also like to speak with her Commissioner to find out what their thoughts were, and also, to be sure that all the information is consistent with what they have and what has been presented to the City Council. She informed staff that she was appreciative of their report this evening.

Council Member Morales inquired when a business allows for antennas to be placed on there buildings or on the property is there a financial benefit. He also inquired that since these antennas will be serving residents outside the City of Inglewood is there a financial benefit to the City.

Wanda Williams stated that the benefit to the City would be through the business taxes paid annually and that she was not sure how much that amount would be for this site.

Council Member Morales stated that if in the future this is where the City is moving to in his opinion there are reasons why people have them on their property or inside a City and he requested staff to provide him with any information on where the antennas are placed, what the financial benefits are for the business and the City. He further commented that he would like to have that information in order to address not only today's issue but any issue that might happen in the future. In regards to the impact of the surrounding areas, he stated that it looks to be minimal and inquired if there are any other examples in the City or surrounding areas where these could be made into a decorative piece. He further commented that if somebody is making money off of this, the City Council would see this again and he wanted to make sure the City is receiving as much of the benefit as it can. He also commented that he is leaning towards supporting the appeal however if there is additional time needed by his colleagues for more information he would be supportive in holding the matter over for one week.

Council Member Franklin commented that he would like to state that the staff report reflects that this Company went before the Planning Commission on June 7th and again on July 5th. He stated that if the Company was talking about adding additional monopoles he would have had concerns because although they may resemble a tree, the City Council is now aware it is now being identified as something else. He commented that some residents have inquired about these monopoles thinking "big brother" was watching them or eavesdropping on their conversations. He inquired if there has been an assessment to make sure the roof could handle the weight of the antennas as well as the box that would be around it. He raised concerns with regards to information in the staff report concerning the antennas having their own cabinets and inquired whether these two new antennas might create interference with the existing ones. He further commented that one of the Commissioners reflected in the staff report Section 15.5E of the Inglewood Municipal Code "there shall not be an unsightly proliferation of telecommunication facilities on one site which could adversely affect community, scenic and economic values" and said there was no specific definition by staff to have a direction on that. Finally, he stated that there was a maximum height of 75 feet and the applicant is proposing 42 feet, however, there is nothing in the staff report stating what the maximum height an antenna could be.

Mayor Dorn inquired from the Interim City Attorney whether this is a De Novo hearing on an appeal or if the City Council is restricted to the same facts that the Planning Commission had. He questioned whether this City Council could have an independent investigation carried out or are they restricted.

Cal Saunders, Interim City Attorney, stated that the City Council is reconsidering what was presented to the Planning Commission but they are in effect conducting an independent examination. He commented that he thought it is De Novo in this case especially now since the question is whether the Planning Commission properly considered certain facts and if those facts are in dispute.

Mayor Dorn stated that he is not talking about this hearing but is referring to hearings that come from the Commission to the City Council. He said that with this hearing no one could say it should be a De Novo and if other hearings are not De Novo, this matter cannot be considered as one. He inquired when there is an appeal from the Commission is the appeal based upon a De Novo hearing or is the City Council restricted to the facts that existed at the time the Commission heard it. He further commented that as Mr. Saunders is aware, when an appeal is taken to the Courts of Appeals, they can't present new facts.

Cal Saunders stated that the question has been raised and so is a request for continuance.

Mayor Dorn stated that there is a request for a continuance and he thought the City Council would give the City Attorney an opportunity to research this matter.

Cal Saunders stated that he would research the matter but thought one of the questions in this case was whether proper facts were introduced at the Planning Commission, and if so, whether they considered those facts and if that was the standard they applied based on some reasonable objective standards rather than on an inappropriate standard.

Mayor Dorn commented that those are things that a Court of Appeals could look at and even if it wasn't a De Novo hearing, the question that Mr. Saunders needed answered is when these matters come from the Commission to the Court of Appeals, does it come as a De Novo or can staff be asked to go out and obtain other facts that may exists. Lastly, he stated that the City Council has agreed to continue this matter in order for the Interim City Attorney to do some research and have a report prior to the hearing.

Council Member Morales commented that should Mr. Saunders find out that the City Council could not look at new facts how would they present it. He inquired whether it could be sent back to the Planning Commission with the new facts or if the City Council could request new materials with new investigation and even if they can not take a look at that does the City Council send those responses back to the Planning Commission and have the process start all over.

Cal Saunders said he would address both.

Council Member Franklin stated that the point of discovery is an issue. He inquired now that the City Council has now discovered new facts and new evidence had this been brought before the Planning Commission their decision may have been different.

Council Member Morales stated that the City Council has requested continuance for one week and inquired from staff whether that was enough time for them and the Interim City Attorney to look into all the requested items.

Wanda Williams commented that two weeks would be preferable and that she would like to address some of the issues that have been raised by the applicant and some Council Members regarding contradicting reports and information presented at the Planning Commission meeting. In reference to the number of antennas on site, she commented that in the staff report it states there were five antennas location but during the staff presentation to the Planning Commissioners it was made clear that there were four antennas and that one was subsequently removed. With regards to revenues and fiscal benefit to the City, she

stated that the information could be obtained through the business license collected yearly.

Council Member Franklin stated that anyone that uses the system is going to pay sales tax which the City imposes.

Wanda Williams commented that the issue was raised with the Finance Department and was told that the benefit to the City would be through the business license.

Mayor Dorn said he agreed with Council Member Franklin. He also stated that if this service is not replaced and new applicants who reside in the City obtain it, the City is going to benefit.

Wanda Williams said that would be clarified. In reference to locations within the one mile radius, she commented that those are identified in pages 4 and 5 of the staff report. She stated that staff would provide additional information concerning the different types of designs. She further stated that there is no minimum height requirement and they could either be placed on the ground, on a 60 foot monopole or the roof. Finally, she commented that in terms of interference, this would be up to FCC for their review.

Mayor Dorn announced that this matter will be continued for two weeks to October 3, 2006.

134 <u>PUBLIC REMARKS.</u> Mayor Dorn inquired if there were any persons present who wished to address the City Council on any matter connected with City business not elsewhere considered on the agenda.

Hector Beltran introduced his mother Ms. Guadalupe and translated her comments. He commented that his mother is being threatened with eviction and she does not remember meeting with Housing Specialist, Carmen Navarro. Mr. Beltran commented that his mother has a problem with memory. He stated that they have been to the Housing Authority and have received no response and when they went to the Senior Citizens Center the police were called. Lastly, he spoke concerning being unemployed and Congresswoman Maxine Waters setting up a program for Alzheimer's disease.

Michael Benbow, District 1, spoke concerning alleged rumors in the City regarding the appointments of persons into elected positions and stated that he is against it because it takes away the freedom of the people.

Paul Russell, District 2, stated that he does not know how the City Council got on the subject about finances with the antennas because the Planning Commission is not involved with that. He commented that the City Council was faced with two issues which were whether it is unsightly and whether there is proliferation. He stated that this is another example why businesses do not like to do business with Inglewood unless they are forced to. Lastly, he stated that there were two public hearings held by the Planning Commission and at the second hearing, there were only three Commissioners present with the vote being 2-1 and it was very simple and now it has been made a joke.

Roosevelt Douglas, District 3, extended thanks to everyone who attended the Truro Block Club party over the weekend and commented that it was nice to see elected officials, City Administrator and a host of other City representatives.

Terri Boysaw, Block Club Captain, District 2, Highland Community Watch Block Club, spoke concerning City positions that would become vacant and she inquired where the City is in regards to filling these positions, how involved has the search been, what progress has been made with the applications, how many qualified applications have been received and whether the City Council has made any recommendations for these positions with staff. She requested the Council Member of District 2 to do what is required of her and that voting against everything that the City is about is not the way to do the job. Finally, she invited everyone to her block club party on Saturday, September 30, 2006 from 11:00 a.m. to 3:00

p.m. at True Vine Baptist Church.

Ethel Austin, District 1, spoke concerning alleged rumors in the City regarding the appointments of persons into elected positions and expressed her opposition to it. She requested Council Member Dunlap to step down from the Mayoral election because of certain things that have been proven. She spoke concerning those who are qualified for the positions.

Donald Clitus spoke concerning agenda item no. CSR-2 and commented that it is interesting to see the Redevelopment Agency and Imperial Partners having an opportunity to negotiate in closed session regarding an All American City. He also spoke concerning a public service announcement on October 17, 2006 and commented that he was hopeful those persons running for offices would have open minded discussions and work with all individuals regardless of political affiliations or where the money comes from.

Hector Beltran stated that he would like to remember the life of Ms. Lomax who died recently with a prayer because she was an outspoken representative in the Police Commission as well as a respected citizen. He read scriptures from the bible. He also read an article from the <u>LA Times</u> regarding separation of church and state.

Willie Agee commented that this is a prime example why the City needs more senior citizen homes and he isn't sure if Mr. Beltran and his mother needed help but if they do he would request that the city do whatever it can. In reference to PH-1, he stated that Council Member Dunlap did attend the Planning Commission's meeting and that she is aware what took place and in his opinion perhaps that is why they voted against it. In regards to the alleged rumors he stated that he would be shocked if this City Council did something like that and he inquired how much damage does the City Council want to do to its citizens.

Diane Sambrano stated that she has been attending these Council meetings for a long time and she is not surprised by any amount of stupidity she sees and one thing that the City does well is to recycle its politicians. She spoke concerning two accidents in front of a school due to a principal opening a gate on the wrong side of the road. She stated that every adult in this community has a responsibility to teach children the rights and wrongs of crossing streets and that begins with adults not parking under No Parking signs in front of red zones and fire hydrants. She inquired whether anyone has heard about the E-Coli outbreak.

Johnny Inghram, District 2, thanked Mr. Rouzan and staff for putting together the budget. He commented that he would like to piggy back on what has been said with regards to the alleged rumors and stated that he was hopeful they are not true but if it is, it does have conspiracy written all over it. He further commented that there have been problems in Compton and Carson where people have ended up going to jail and this is exactly what he sees here. Finally, he commented that Council Member Dunlap talks about budget spending and increase in the police department but on the other hand she is against the one-half cent tax, against paying the bills and he does not understand it.

Frederick Davis thanked Mr. Rouzan for taking care of a problem near Costco. He also thanked Mr. Hebler, Yellow Cab and stated that he will be calling him with information on a cab. He inquired whether Council Member Price is still on the grievance council for MTA and stated that he wants the Councilman to take to MTA some problems he is experiencing. Lastly, he gave a report on local team sports.

Milton Brown announced that the Truro Street Block Club party would be aired on Sunday from 6:00 p.m. to 8:00 p.m. and encouraged everyone to watch the program.

There being no further business to be presented, Mayor Dorn declared the meeting adjourned at the hour of 10:23 p.m.

			City Clerk
Approved this	day of	, 2006	
Mayor			