

MINUTES OF THE CITY COUNCIL / SUCCESSOR AGENCY / HOUSING AUTHORITY
OF THE CITY OF STANTON
JOINT REGULAR MEETING SEPTEMBER 8, 2015

1. **CLOSED SESSION** None.

2. **CALL TO ORDER**

The meetings were called to order at 6:30 p.m. by Mayor/Chairman Ethans.

3. **PLEDGE OF ALLEGIANCE**

Led by a member of the audience.

4. **ROLL CALL**

Present: Council/Agency/Authority Member Ramirez, Council/Agency/Authority Member Warren, Mayor Pro Tem/Vice Chairman Donahue, and Mayor/Chairman Ethans.

Absent: None.

Excused: Council/Agency/Authority Member Shawver.

5. **SPECIAL PRESENTATIONS AND AWARDS**

1. Presentation of Certificate of Recognition honoring Ms. Anette L. Cox as Veteran of the Month for the month of September 2015 in the City of Stanton.
2. Presentation by Mr. Alan Dolch, Chairman, West Orange County Regional Chamber of Commerce; sharing their mission with the City Council and providing an update on their current operations.

6. **CONSENT CALENDAR**

Motion/Second: Ramirez/Warren

Motion unanimously carried by the following vote:

AYES: 4 (Donahue, Ethans, Ramirez, Warren)

NOES: None

ABSTAIN: None

ABSENT: 1 (Shawver)

The City Council/Agency Board/Authority Board approved the following Consent Calendar items:

CONSENT CALENDAR

6A. MOTION TO APPROVE THE READING BY TITLE OF ALL ORDINANCES AND RESOLUTIONS. SAID ORDINANCES AND RESOLUTIONS THAT APPEAR ON THE PUBLIC AGENDA SHALL BE READ BY TITLE ONLY AND FURTHER READING WAIVED

The City Council/Agency Board/Authority Board waived reading of Ordinances and Resolutions.

6B. APPROVAL OF WARRANTS

The City Council approved demand warrants dated August 20, August 26, and September 8, 2015, in the amount of \$427,219.50.

6C. APPROVAL OF MINUTES

1. The City Council approved Minutes of Special Meeting – August 18, 2015 (5:00 p.m.); and
2. The City Council approved Minutes of Special Meeting – August 18, 2015 (7:00 p.m.); and
3. The City Council/Agency/Authority Board approved Minutes of Adjourned Joint Regular Meeting – August 25, 2015.

6D. AWARD OF A MAINTENANCE CONTRACT FOR THE SANITARY SEWER CLEANING SERVICES TO EMPIRE PIPE CLEANING AND EQUIPMENT, INC. BY THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA

As part of the preventive maintenance of the City's Sanitary Sewer System, the City of Stanton requires the use of a specialty contractor to perform sanitary sewer cleaning services on an annual basis. The cost for providing the City with this service is estimated at \$206,299.50 for one year of service. This cost includes a 10-percent contingency. The length of the contract will be for thirty three (33) months with an option to renew the contract thereafter.

1. The City Council declared this project to be categorically exempt under the California Environmental Quality Act, Class 1, Section 15301b; and
2. Awarded a maintenance contract with Empire Pipe Cleaning and Equipment, Inc. to provide sanitary sewer cleaning services for a maximum contract amount of \$187,545 each year; and
3. Authorized the City Manager to bind the City of Stanton and Empire Pipe Cleaning and Equipment, Inc. in a contract to provide sanitary sewer cleaning services; and
4. Authorized the City Manager to approve contract changes, not to exceed 10-percent.

6E. APPROVAL OF RESOLUTION 2015-32 AND LETTER OF INTEREST TO PARTICIPATE IN A MULTIPLE JURISDICTIONAL, COUNTYWIDE RECYCLING MARKET DEVELOPMENT ZONE

The City of Huntington Beach is leading the effort to create a multiple jurisdictional, countywide Recycling Market Development Zone (RMDZ). There are currently 36 RMDZs in the state, none in Orange County. If the City of Stanton desired to become part of the RMDZ, the City would need to provide a letter of interest and a resolution to join the RMDZ.

1. The City Council declared that the project is exempt from the California Environmental Quality Act ("CEQA") under Section 15378(b)(5) – Organizational or administrative activities of governments that will not result in direct or indirect physical change in the environment.; and
2. Approved Resolution No. 2015-32 approving the City's participation in a countywide Recycling Market Development Zone; and
3. Approved a letter of interest to participate in a countywide Recycling Market Development Zone to be signed by the Mayor.

6F. AGREEMENT FOR PROVISION OF POINT OF DISPENSING SITE EQUIPMENT SERVICES

The County of Orange has released agreements to provide Point of Dispensing (POD) site equipment services to eligible cities that are part of the Orange County Operational Area (OA). The POD agreements are intended to strengthen the County's capability to distribute supplies to help citizens cope with emergency situations. The agreement period is July 1, 2015 to June 30, 2020.

1. The City Council declared that the project is exempt from the California Environmental Quality Act ("CEQA") under Section 15061(b)(3) as the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and
2. Authorized the City Manager to sign a five-year agreement with the County of Orange for Point of Dispensing Site Equipment Services.

6G. ADMINISTRATIVE RULES AND REGULATIONS – ACCOUNTS PAYABLE PROCESSING

In September 2007, the City Council adopted an Administrative Policy Manual. As discussed at that time, as policies are revised, they will be brought forward to the City Council for consideration.

1. The City Council finds that this item is not subject to California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060 (c)(3) (the activity is not a project as defined in Section 15378 of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly; and
2. Approved Administrative Policy IV-4-1 - Accounts Payable Processing as revised.

6H. APPROVAL OF AN ASSIGNMENT AND ASSUMPTION AGREEMENT TRANSFERRING ALL POST CLOSING RIGHTS AND OBLIGATIONS UNDER A DISPOSITION AND DEVELOPMENT AGREEMENT WITH FRONTIER REAL ESTATE INVESTMENT, INC. FROM THE SUCCESSOR AGENCY TO THE STANTON REDEVELOPMENT AGENCY TO THE CITY OF STANTON

The Successor Agency and Oversight Board approved a Disposition and Development Agreement (DDA) to sell eleven properties to Frontier Real Estate Investment, Inc. The State Department of Finance has raised concerns that this DDA would create new obligations for the Successor Agency, which is not permitted under State Law. This agreement would transfer these "obligations" or rights in the DDA to the City of Stanton, in an effort to address the DOF's concerns.

1. The Successor Agency declared that the project is exempt from the California Environmental Quality Act ("CEQA") under Section 15061(b)(3) as the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and
2. Approved the attached Assignment and Assumption Agreement; and
3. Authorized the Executive Director and City Manager to execute the necessary documents and take all actions reasonably necessary to complete the sale of the properties.

END OF CONSENT CALENDAR

7. PUBLIC HEARINGS

7A. PROPOSITION 218 PUBLIC HEARING FOR SOLID WASTE COLLECTION SERVICES

On September 22, 1981 the City Council awarded a solid waste franchise agreement to CR&R, and CR&R has served the Stanton community since that time. Pursuant to Proposition 218, the City is required to conduct a public hearing and approve the Resolution containing the proposed solid waste service rates to be effective beginning October 1, 2015, and future adjustments to such rates for residential, multi-family and commercial customers.

The public hearing was opened.

- Mobile Home Resident, Stanton, spoke in opposition to the solid waste collection services increase.
 - Inquired if the City is seeking other service providers outside of CR&R.
 - Inquired about the option of curb side recycling.

No one else appearing to speak, the public hearing was closed.

Motion/Second: Ramirez/Warren

Motion unanimously carried by the following vote:

AYES: 4 (Donahue, Ethans, Ramirez, Warren)

NOES: None

ABSTAIN: None

ABSENT: 1 (Shawver)

1. The City Council conducted a public hearing; and
2. Declared that this item is not subject to California Environmental Quality Act ("CEQA") under Section 15061(b)(3) as the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and
3. Adopted Resolution No. 2015-33 permitting CR&R to charge specific rates for solid waste collection services.

7B. AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, IN ACCORDANCE WITH GOVERNMENT CODE SECTIONS 36937 AND 65858 TEMPORARILY PROHIBITING THE ESTABLISHMENT OF INTERNET CAFES AND CYBER CAFES PENDING STUDY AND ADOPTION OF REGULATORY AND ZONING STANDARDS

Due to numerous reports by jurisdictions all over the State, including the City of Stanton, of illegal gambling at internet and cyber cafes, the City Council is asked to consider an interim urgency ordinance to temporarily prohibit the establishment of such businesses. The interim urgency ordinance would provide the City sufficient time to study the potential impacts of these establishments and to adopt appropriate regulatory and zoning standards.

The public hearing was opened.

No one appearing to speak, the public hearing was closed.

Motion/Second: Ramirez/Warren

ROLL CALL VOTE:	Council Member Ramirez	AYE
	Council Member Shawver	EXCUSED
	Council Member Warren	AYE
	Mayor Pro Tem Donahue	AYE
	Mayor Ethans	AYE

Motion unanimously carried with the following addition to Ordinance No 1040:

1. The City Council conduct a public hearing; and
2. Declared that the project is exempt from the California Environmental Quality Act ("CEQA") under Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines. Moreover, this Ordinance is statutorily exempt from further CEQA review under Section 15262 (feasibility and planning studies); and
3. Introduced and adopted Ordinance No. 1040, entitled:

"AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, IN ACCORDANCE WITH GOVERNMENT CODE SECTIONS 36937 AND 65858 TEMPORARILY PROHIBITING THE ESTABLISHMENT OF INTERNET CAFES AND CYBER CAFES PENDING STUDY AND ADOPTION OF REGULATORY AND ZONING STANDARDS"; and

Including the following language definition addition to the ordinance:

Definition of Internet café: *"Internet café means an establishment that provides one or more computers and or electronic devices for access to the worldwide web, internet, e-mail, gaming or computer software programs and which seeks compensation in any form from users. Internet café is synonymous with a personal computer, café, cyber café, and internet center, but does not include an internet learning center as defined in the Stanton Municipal code."*

8. **UNFINISHED BUSINESS** None.

9. **NEW BUSINESS**

9A. **APPROVAL AND ADOPTING THE RECOGNIZED OBLIGATIONS PAYMENT SCHEDULE (ROPS) 15-16B AND ADMINISTRATIVE BUDGET PURSUANT TO SECTIONS 34177(I) AND 34177(j) OF CALIFORNIA HEALTH & SAFETY CODE FOR THE PERIOD OF JANUARY THROUGH JUNE 2016 (SUCCESSOR AGENCY)**

This report summarizes the obligations of the Successor Agency under AB X1 26 and AB 1484 to draft Recognized Obligation Payment Schedules (ROPS) and corresponding administrative budgets to be implemented in six-month periods. Staff recommends the Successor Agency adopt the attached resolutions approving ROPS 15-16B and the Successor Agency's administrative budget for the period January through June 2015.

Motion/Second: Ramirez/Warren

Motion unanimously carried by the following vote:

AYES: 4 (Donahue, Ethans, Ramirez, Warren)

NOES: None

ABSTAIN: None

ABSENT: 1 (Shawver)

1. The Successor Agency finds that this item is not subject to California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a director reasonably foreseeable indirect physical change in the environment) and 15060 (c)(3) (the activity is not a project as defined in Section 15378 of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly; and
2. Adopted Resolution No. SA 2015-06 to approve the Recognized Obligation Payment Schedule (ROPS) No. 15-16B for the period January 1, 2016 through June 30, 2016.

9B. AWARD OF THE CITYWIDE LANDSCAPE MAINTENANCE CONTRACT TO VENCO WESTERN, INC. BY THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA

Bids for the Citywide Landscape Maintenance Contract were opened on August 31, 2015. Based on the post-bid analysis of the three (3) bids received, staff recommends the contract for these services be awarded to Venco Western, Inc.

The annual cost for completing the Citywide Landscape Maintenance Contract will be \$178,344 for fiscal year 2015/16, and \$193,944 for fiscal years 2016/17 and 2017/2018 due to the completion of Stanton Central Park.

Motion/Second: Warren/Ramirez

Motion unanimously carried by the following vote:

AYES: 4 (Donahue, Ethans, Ramirez, Warren)

NOES: None

ABSTAIN: None

ABSENT: 1 (Shawver)

1. The City Council declared this project to be categorically exempt under the California Environmental Quality Act, Class 1, and Section 15301h as maintenance of existing landscaping; and
2. Approved the scope of work for the Citywide Landscape Maintenance Contract; and
3. Awarded a maintenance contract for the Citywide Landscape Maintenance Contract to Venco Western, Inc, for a maximum annual amount of \$193,944; and
4. Authorized the City Manager to bind the City of Stanton and Venco Western, Inc in a contract for the Citywide Landscape Maintenance Contract.

9C. CONSIDERATION OF AN ORDINANCE PERTAINING TO THE REGULATION OF COFFEEHOUSES

Due to issues reported by local jurisdictions regarding beverage establishments that include adult-oriented features, the City Council is asked to consider an ordinance that regulates cafes, coffeehouses, and juice bars. Such regulations provide, among other things, that the business may not provide live entertainment and that employees such as waiters and waitresses must cover specified body parts while at the establishment.

Motion/Second: Ramirez/Donahue

ROLL CALL VOTE:	Council Member Ramirez	AYE
	Council Member Shawver	EXCUSED
	Council Member Warren	AYE
	Mayor Pro Tem Donahue	AYE
	Mayor Ethans	AYE

Motion unanimously carried.

1. The City Council declared that the project is exempt from the California Environmental Quality Act ("CEQA") under Section 15061(b)(3) as the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and
2. Introduced Ordinance No. 1039, entitled:

"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, ADDING CHAPTER 5.70 (COFFEEHOUSES) TO TITLE 5 OF THE STANTON MUNICIPAL CODE"; and

3. Set said ordinance for adoption at the regular City Council meeting of September 22, 2015.

10. ORAL COMMUNICATIONS – PUBLIC

- John A. Raposa, spoke in opposition to the solid waste collection services increase and inquired if the City is seeking other service providers outside of CR&R to challenge the current 15 year contract.
- Robert Cummings, Director of Scientific Technical Services, Orange County Vector Control District (OCVCD), spoke regarding the recent announcement made by the OCVCD regarding the aerial adult mosquito control application.

11. **WRITTEN COMMUNICATIONS** None.

12. **MAYOR/CHAIRMAN/COUNCIL/AGENCY/AUTHORITY INITIATED BUSINESS**

12A. **COMMITTEE REPORTS/COUNCIL/AGENCY/AUTHORITY ANNOUNCEMENTS**

Mayor Pro Tem Donahue reported on the Stanton Community Foundation's 2nd Annual Charity Shootout, which is scheduled to be held on October 7, 2015.

12B. **COUNCIL/AGENCY/AUTHORITY INITIATED ITEMS FOR A FUTURE COUNCIL MEETING**

None

12C. **COUNCIL/AGENCY/AUTHORITY INITIATED ITEMS FOR A FUTURE STUDY SESSION**

None.

13. **ITEMS FROM CITY ATTORNEY/AGENCY COUNSEL/AUTHORITY COUNSEL**

None.

14. **ITEMS FROM CITY MANAGER/EXECUTIVE DIRECTOR**

- City Manager Box reported that invitations for the City's State of the City event, which is scheduled to be held on October 15, 2015, have been mailed out to invitees.

14A. **ORANGE COUNTY SHERIFF'S DEPARTMENT**

Lieutenant Jim England provided the City Council with an update on their current operations.

18. **ADJOURNMENT** Motion/Second: Ethans/
Motion carried at 7:30 p.m.

MAYOR/CHAIRMAN

ATTEST:

CITY CLERK/SECRETARY