

MINUTES OF THE CITY COUNCIL / SUCCESSOR AGENCY / HOUSING AUTHORITY
OF THE CITY OF STANTON
JOINT REGULAR MEETING OCTOBER 13, 2015

1. CALL TO ORDER / CLOSED SESSION

The City Council meeting was called to order at 6:00 p.m. by Mayor Ethans.

2. ROLL CALL

Present: Council Member Ramirez, Council Member Warren, Mayor Pro Tem Donahue, and Mayor Ethans

Absent: Council Member Shawver.

Excused: None.

3. PUBLIC COMMENT ON CLOSED SESSION ITEMS None.

4. CLOSED SESSION

The members of the Stanton City Council of the City of Stanton proceeded to closed session at 6:00 p.m. for discussion regarding:

Council Member Shawver arrived at 6:05 p.m.

**4A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Pursuant to Government Code Section 54956.9(a))**

Musa Madain vs. City of Stanton, Orange County Superior Court Case Number: 30-2012-00582698 (Consolidated with OCSC Case No. 30-2009-00119013)

**4B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Pursuant to Government Code Section 54956.9(a))**

Planet Aid vs. City of Stanton Civil Action Number: 8:15-cv-00634-CJC-AS

5. CALL TO ORDER / SUCCESSOR AGENCY / STANTON HOUSING AUTHORITY MEETING

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

6. ROLL CALL

Present: Agency/Authority Member Ramirez, Agency/Authority Member Shawver, Agency/Authority Member Warren, Vice Chairman Donahue, and Chairman Ethans.

Absent: None.

Excused: None.

The City Attorney reported that the Stanton City Council met in closed session from 6:00 to 6:30 p.m.

The City Attorney reported that there was no reportable action.

7. PLEDGE OF ALLEGIANCE

Led by Joshua Costa.

8. SPECIAL PRESENTATIONS AND AWARDS

- Presentation of Certificate of Recognition honoring Mr. Joshua Costa as Veteran of the Month for the month of October 2015 in the City of Stanton.
- Presentation of certificate of recognition to Mr. James E. Kruger, ExperTow Inc. in appreciation of 60 years of outstanding service to the residents of the City of Stanton.
- Presentation by Julie S. Roman, Community Services Director, Committee Members Jenny Lacayo, Nancy Heitman, John Warren, and Juana Cabrera, regarding the City of Stanton's 60th Anniversary Celebration.

9. CONSENT CALENDAR

The City Clerk requested to amend/correct the recommended actions for item 9F on the consent calendar.

Motion/Second: Donahue/Ramirez

Motion unanimously carried as amended by the following vote:

AYES: 5 (Donahue, Ethans, Ramirez, Shawver, and Warren)

NOES: None

ABSTAIN: None

ABSENT: None

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

CONSENT CALENDAR

9A. 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/Authority Board waived reading of Ordinances and Resolutions.

9B. APPROVAL OF WARRANTS

The City Council approved demand warrants dated September 17, September 24, and October 1, 2015, in the amount of \$2,949,383.12.

9C. APPROVAL OF MINUTES

The City Council/Agency/Authority Board approved Minutes of Adjourned Joint Regular Meeting – September 22, 2015.

9D. STANTON HOUSING AUTHORITY ANNUAL REPORT FOR FISCAL YEAR 2014-2015

The attached Housing Authority Annual Report for Fiscal Year 2014-2015 is being presented for consideration as required by State Law.

1. The Authority Board 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. Received and filed the Annual Progress Report.

9E. ACCEPTANCE OF THE CITYWIDE CATCH BASIN ENVIRONMENTAL CLEANUP PROGRAM PROJECT BY THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA

The Citywide Catch Basin Environmental Cleanup Program Project has been completed in accordance with the contract agreement. The final construction and inspection cost for the project was \$107,533.44. The City Engineer, in his judgment, certifies that the work was satisfactorily completed as of June 30, 2015 and recommends that the City Council accept the completed work performed on this project.

1. The City Council declared this project categorically exempt under the California Environmental Quality Act, Class 1, and Section 15301; and
2. Accepted the completion of improvements for the Citywide Catch Basin Environmental Cleanup Program Project, as certified by the City Engineer, and affixed the date of June 30, 2015 as the date of completion of all work on this project; and
3. Approved the final construction contract amount of \$107,533.44 with Bio Clean Environmental Services, Inc.; and
4. Directed the City Clerk within ten (10) days from the date of acceptance to file the Notice of Completion with the County Recorder of the County of Orange; and
5. Directed City staff, upon expiration of the thirty-five (35) days from the filing of the "Notice of Completion," to make the retention payment to Bio Clean Environmental Services, Inc. in the amount of \$5,376.67.

9F. CHANGE ORDER FOR BEACH BOULEVARD AND VILLAGE CENTER DRIVE TRAFFIC SIGNAL IMPROVEMENT PROJECT

The construction contract for the Beach Boulevard and Village Center Drive Traffic Signal Improvement is for \$388,888.00. Change orders approved at staff level are well under the 10% maximum authorized at the time of award; at 4.6%. The latest change orders are for the cost increase for rubberized paving within the project area and to extend paving limits to improve the end product. The new costs for the mentioned would cause changes to exceed the 10% authorization limit of the City Manager. Therefore, Staff requests that the Council authorize Change Order 006 and Change Order 007 in the total additive amount of \$31,495.13.

- ~~1. City Council find 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. Adopt Resolution No. 2015-34 approving the carryover of certain purchase orders from fiscal year 2014/15 to fiscal year 2015/16.~~

Approved as Amended Recommended Action:

1. 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 Change Order 006 and Change Order 007 in the total additive amount of \$31,495.13 to PTM General Engineering Services, Inc. for the Beach Boulevard and Village Center Drive Traffic Signal Improvement; and
3. Authorized the Mayor to execute Change Order No. 006 and Change Order No. 007.

9G. SUCCESSOR AGENCY CONSIDERATION OF A RESOLUTION APPROVING THE PURCHASE AND SALE AGREEMENT WITH FRONTIER REAL ESTATE INVESTMENTS, INC FOR ELEVEN PROPERTIES LOCATED AT 11382, 11430 AND 11462 BEACH BOULEVARD

Consistent with the Successor Agencies Long Range Property Management Plan, Staff is recommending approval of the sale of eleven properties located at 11382, 11430 and 11462 Beach Boulevard to Frontier Real Estate Investments, Inc. for \$2,100,000.00. The Successor Agency had previously approved a Disposition and Development Agreement (DDA) for the sale of these properties, which was not approved by the State Department of Finance.

1. The Successor Agency declared that the proposed disposition of the land pursuant to the Purchase and Sale Agreement is consistent with the adopted Project EIR approved for the Stanton Plaza Specific Plan and direct staff to file the notice of determination; and
2. Approved Resolution No. SA 2015-07 approving the Purchase and Sale Agreement for the sale of the properties identified by APN Nos. 131-691-49, 50, 51, 58, 59, 60, 61, 62, 63, 64, and 65 for a total of \$2,100,000.00 to Frontier Real Estate Investments, Inc.; and
3. Authorized the Executive Director to execute the necessary documents and take all actions reasonably necessary to complete the sale of the properties.

END OF CONSENT CALENDAR

10. PUBLIC HEARINGS

10A. AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, IN ACCORDANCE WITH GOVERNMENT CODE SECTIONS 36937 AND 65858 EXTENDING THE TEMPORARY MORATORIUM PROHIBITING THE ESTABLISHMENT OF INTERNET CAFES AND CYBER CAFES PENDING STUDY AND ADOPTION OF REGULATORY AND ZONING STANDARDS

On September 8, 2015, the City Council adopted Urgency Ordinance No. 1040, a moratorium to temporarily prohibit new internet and cyber cafes from establishing in the City. The 45-day moratorium was prompted by numerous reports by jurisdictions all over the State — including the City — of illegal gambling at internet and cyber cafes. Since Urgency Ordinance No. 1040 was approved, City staff has begun studying the potential impacts of these establishments and analyzing appropriate regulatory and zoning standards. However, City staff has not completed its study and analysis, and therefore, the City Council is being asked to extend the moratorium.

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	AYE
	Council Member Warren	AYE
	Mayor Pro Tem Donahue	AYE
	Mayor Ethans	AYE

Motion unanimously carried:

1. The City Council conducted 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. Approved Urgency Ordinance No. 1041, entitled:

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

11. UNFINISHED BUSINESS None.

12. NEW BUSINESS

12A. VERIFICATION OF SUFFICIENCY OF PETITION SIGNATURES ON TRANSACTIONS AND USE TAX REPEAL INITIATIVE MEASURE AND CITY COUNCIL TERM LIMITS INITIATIVE MEASURE, AND REQUEST FURTHER DIRECTION FROM CITY COUNCIL

On August 25, 2015, signed petitions were filed with the City Clerk's office for a transactions and use tax repeal initiative measure and a City Council term limits initiative measure. Pursuant to the California Elections Code, the petitions were examined for signature verification by the City Clerk's Office with assistance from the Orange County Registrar of Voters.

In a letter dated October 1, 2015, the City Clerk's Office verified that the transactions and use tax repeal petition contained 238 valid signatures and the term limits petition contained 1,278 valid signatures, and notified the Petitioner of this fact. Under State Law, these were the minimum signature numbers needed to qualify both Measures for the ballot. Therefore, both Measures have qualified. The remainder of this report will provide the City Council with options under the California Elections Code.

- Lynn Selden, Stanton, spoke in favor of the transactions and use tax and in opposition to the repeal efforts of the initiative measure.
- Joel Greer, Stanton, spoke in favor of the transactions and use tax and in opposition to the repeal efforts of the initiative measure.
- Juana Cabrera, Stanton, spoke in favor of the transactions and use tax and in opposition to the repeal efforts of the initiative measure.
- Elizabeth Ash, Stanton, spoke in favor of the transactions and use tax and in opposition to the repeal efforts of the initiative measure.
- Tom Dominguez, Association of Orange County Deputy Sheriffs, spoke in favor of the transactions and use tax and in opposition to the repeal efforts of the initiative measure.
- Ray Geagan, President, Orange County Fire Firefighters Association, spoke in favor of the transactions and use tax and in opposition to the repeal efforts of the initiative measure.
- Jim Harris, Savannah School District, spoke in favor of the transactions and use tax and in opposition to the repeal efforts of the initiative measure.
- Each City Council Member expressed their gratitude to the men and women of the Orange County Fire Authority and Orange County Sheriff's Department who serve the Stanton community and also thanked each community member who was in attendance at this evenings meeting.

Motion/Second: Donahue/Shawver

Motion unanimously carried by the following vote:

AYES: 5 (Donahue, Ethans, Ramirez, Shawver, and Warren)

NOES: None

ABSTAIN: None

ABSENT: None

1. The City Council declared that this item is not subject to California Environmental Quality Act ("CEQA") pursuant to 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. Received, filed, and accepted both Certificates as to Verification of Signatures on Petition for each Measure as valid in all respects; and
3. Directed staff to prepare an impartial and informational report, pursuant to Elections Code Section 9212, analyzing the impact of both Measures, which must be presented to the City Council not later than 30 days after this evening.

13. ORAL COMMUNICATIONS – PUBLIC

John A. Raposa, spoke regarding the City's solid waste collection services contract with CR&R. Mr. Raposa requests that the City begin the process of researching new waste disposal services and cancel the City's contract with CR&R.

14. WRITTEN COMMUNICATIONS None.

15. MAYOR/CHAIRMAN/COUNCIL/AGENCY/AUTHORITY INITIATED BUSINESS

15A. COMMITTEE REPORTS/COUNCIL/AGENCY/AUTHORITY ANNOUNCEMENTS

- Mayor Pro Tem Donahue spoke regarding the Stanton Community Foundation's 2nd Annual Charity Shootout event, which was held on October 7, 2015 at FT3 Tactical.
- Council Member Warren reported on her attendance, along with Mayor Ethans, Council Member Shawver, and City Manager Box at the League of California Cities 2015 Annual Conference & Expo at the San Jose Convention Center, which was held on September 9, 2015 through October 2, 2015.
- Council Member Ramirez reported on his donation of around 500 pumpkins from his family farm to the City's 2015 Halloween Fun with Family and Friends event.
- Mayor Ethans reported on the Orange County Vector Control District's West Nile virus alerts and cases.
- Council Member Shawver requested that the City Manger report on the City's upcoming 2015 State of the City event, which is scheduled to be held on October 15, 2015.

15B. COUNCIL/AGENCY/AUTHORITY INITIATED ITEMS FOR A FUTURE COUNCIL MEETING

Council Member Ramirez requested to agendize discussion regarding the possibility of adopting a "good standing clause" for new businesses interested in transferring into the City.

15C. COUNCIL/AGENCY/AUTHORITY INITIATED ITEMS FOR A FUTURE STUDY SESSION

None.

16. ITEMS FROM CITY ATTORNEY/AGENCY COUNSEL/AUTHORITY COUNSEL

None.

17. ITEMS FROM CITY MANAGER/EXECUTIVE DIRECTOR

None.

17A. ORANGE COUNTY SHERIFF'S DEPARTMENT

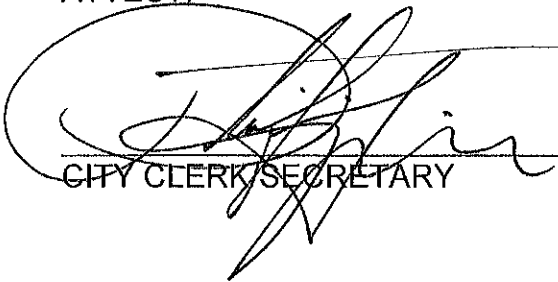
Sergeant Kurt Bourne provided the City Council with an update on their current operations.

18. ADJOURNMENT Motion/Second: Ethans/
Motion carried at 7:55 p.m.



MAYOR/CHAIRMAN

ATTEST:



CITY CLERK/SECRETARY