



**AGENDA**  
**CITY COUNCIL/SUCCESSOR AGENCY/STANTON HOUSING AUTHORITY**  
**JOINT REGULAR MEETING**  
**STANTON CITY HALL, 7800 KATELLA AVENUE, STANTON, CA**  
**TUESDAY, AUGUST 9, 2016 - 6:30 P.M.**

*As a courtesy to those in attendance, the City of Stanton respectfully requests that all cell phones, pagers and/or electronic devices be turned off or placed on silent mode while the meeting is in session. Thank you for your cooperation.*

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, CONTACT THE CITY CLERK AT (714) 379-9222. NOTIFICATION BY 9:00 A.M. ON MONDAY, AUGUST 8, 2016 WILL ENABLE THE CITY TO MAKE REASONABLE ARRANGEMENTS TO ENSURE ACCESSIBILITY TO THIS MEETING.

*Supporting, descriptive documentation for agenda items, including staff reports, is available for review in the City Clerk's Office and on the City web site at [www.ci.stanton.ca.us](http://www.ci.stanton.ca.us).*

1.    **CLOSED SESSION**           None.
  
2.    **CALL TO ORDER REGULAR CITY COUNCIL / SUCCESSOR AGENCY / STANTON HOUSING AUTHORITY MEETING**
  
3.    **PLEDGE OF ALLEGIANCE**
  
4.    **ROLL CALL** Council/Agency/Authority Member Ethans  
                      Council/Agency/Authority Member Ramirez  
                      Council/Agency/Authority Member Shawver  
                      Mayor Pro Tem/Vice Chairman Warren  
                      Mayor/Chairman Donahue

CC/SA/SHA AGENDA – Joint Regular Meeting – August 9, 2016 - Page 1

Any writings or documents provided to a majority of the City Council/Successor Agency/Stanton Housing Authority regarding any item on this agenda will be made available for public inspection at the Public Counter at City Hall located at 7800 Katella Avenue, Stanton CA, during normal business hours.

**5. SPECIAL PRESENTATIONS AND AWARDS**

5A. Presentation of Certificate of Recognition honoring Vista Paint as Business of the Month for the month of August 2016.

5B. Presentation of Certificate of Recognition honoring Orange County Sheriff's Department Explorer's as Volunteers of the Month for the month of August 2016.

**6. CONSENT CALENDAR**

All items on the Consent Calendar may be acted on simultaneously, unless a Council/Board Member requests separate discussion and/or action.

**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**

**RECOMMENDED ACTION:**

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

**6B. APPROVAL OF WARRANTS**

City Council approve demand warrants dated July 21 and July 28, 2016, in the amount of \$311,133.26.

**6C. APPROVAL OF MINUTES**

City Council/Agency/Authority Board approve Minutes of Regular Joint Meeting – July 26, 2016.

CC/SA/SHA AGENDA – Joint Regular Meeting – August 9, 2016 - Page 2

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**6D. CONTRACT AMENDMENT TO EXTEND ON-CALL TRAFFIC OPERATIONS SERVICES TO HARTZOG AND CRABILL BY THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA**

Staff would propose to extend the current On-Call Traffic Operations Services contract for two additional years.

The cost for completing the On-Call Traffic Operations Services contract is \$40,000 for a period of two (2) years.

**RECOMMENDED ACTION:**

1. City Council declare 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. Approve a contract amendment to the on-call contract with Hartzog and Crabill, Inc to provide traffic operations services for a two year period for a maximum contract amount of \$40,000; and
3. Authorize the City Manager to bind the City of Stanton and Hartzog and Crabill, Inc in a contract to provide on-call traffic operations services.

## **6E. SECOND CONTRACT AMENDMENT FOR LILLEY PLANNING GROUP**

Requested is the authorization to allow the City Manager to extend the professional services agreement with Lilley Planning Group to continue providing contract planning services for the Community Development Department.

### **RECOMMENDED ACTION:**

1. City Council declare 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. Approve the contract amendment for Lilley Planning Group; and
3. Authorize the City Manager to bind the City of Stanton and Lilley Planning Group in a contract to continue providing contract planning services for the Community Development Department.

### **END OF CONSENT CALENDAR**

## **7. PUBLIC HEARINGS**

### **7A. 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 FOR AN ADDITIONAL YEAR 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. Urgency Ordinance No. 1040 was extended by Urgency Ordinance No. 1041 on October 13, 2015 by a period of ten (10) months and fifteen (15) days. Since Urgency Ordinances Nos. 1040 and 1041 were approved, City staff has studied the potential impacts of these establishments and analyzed appropriate regulatory and zoning standards. However, City staff has not completed its study and analysis, and therefore, the City Council is being asked for a final extension the moratorium.

#### **RECOMMENDED ACTION:**

1. City Council conduct a public hearing; and
2. Declare 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. Adopt Urgency Ordinance No. 1057, 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 FOR AN ADDITIONAL YEAR PENDING STUDY AND ADOPTION OF REGULATORY AND ZONING STANDARDS".**

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

CC/SA/SHA AGENDA – Joint Regular Meeting – August 9, 2016 - Page 5

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**7B. AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, IN ACCORDANCE WITH GOVERNMENT CODE SECTION 36937, EXTENDING THE MORATORIUM TO TEMPORARILY PROHIBIT THE ESTABLISHMENT OF ANY AREA OF PERMIT PARKING FOR AN ADDITIONAL SIX (6) MONTHS PENDING STUDY AND ADOPTION OF REGULATORY STANDARDS**

This ordinance proposes an extension of the moratorium for the establishment of new permit parking areas so that staff may study and propose new regulatory standards. The City needs to evaluate permit parking due to immediate health, safety, and welfare issues; requests for permit parking are often prompted by residents' complaints of overflow parking, which allegedly results in excessive litter, vehicle break-ins, thefts, and other crime. Moreover, in April 2016, the California Attorney General issued an opinion on the application of the Vehicle Code to permit parking. The proposed moratorium extension would also allow staff time to continue studying the implications of the opinion and draft new regulations and guidelines to be in compliance with the opinion.

**RECOMMENDED ACTION:**

1. City Council conduct a public hearing; and
2. Declare that the project is not subject to 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. Moreover, this Ordinance is statutorily exempt from further CEQA review under Section 15262 (feasibility and planning studies); and
3. Adopt Urgency Ordinance No. 1058, entitled:

**"AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, IN ACCORDANCE WITH GOVERNMENT CODE SECTION 36937, EXTENDING THE TEMPORARY MORATORIUM PROHIBITING THE ESTABLISHMENT OF ANY AREA OF PERMIT PARKING FOR AN ADDITIONAL SIX (6) MONTHS PENDING STUDY AND ADOPTION OF REGULATORY STANDARDS".**

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

CC/SA/SHA AGENDA – Joint Regular Meeting – August 9, 2016 - Page 6

Any writings or documents provided to a majority of the City Council/Successor Agency/Stanton Housing Authority regarding any item on this agenda will be made available for public inspection at the Public Counter at City Hall located at 7800 Katella Avenue, Stanton CA, during normal business hours.

**8. UNFINISHED BUSINESS**

**8A. APPROVAL OF ORDINANCE NO. 1056**

This Ordinance was introduced at the regular City Council meeting of July 26, 2016.

**RECOMMENDED ACTION:**

1. City Clerk read the title of Ordinance No. 1056, entitled:

**“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, AMENDING CHAPTER 5.04 OF TITLE 5 OF THE STANTON MUNICIPAL CODE RELATING TO BUSINESS LICENSES AND REGULATIONS”;**  
and

2. City Council find that this Ordinance is exempt from the 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

3. Adopt Ordinance No. 1056.

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

**9. NEW BUSINESS                      None.**

## **10. ORAL COMMUNICATIONS - PUBLIC**

At this time members of the public may address the City Council/Successor Agency/Stanton Housing Authority regarding any items within the subject matter jurisdiction of the City Council/Successor Agency/Stanton Housing Authority, provided that NO action may be taken on non-agenda items.

- Members of the public wishing to address the Council/Agency/Authority during Oral Communications-Public or on a particular item are requested to fill out a REQUEST TO SPEAK form and submit it to the City Clerk. Request to speak forms must be turned in prior to Oral Communications-Public.
- When the Mayor/Chairman calls you to the microphone, please state your Name, slowly and clearly, for the record. A speaker's comments shall be limited to a three (3) minute aggregate time period on Oral Communications and Agenda Items. Speakers are then to return to their seats and no further comments will be permitted.
- Remarks from those seated or standing in the back of chambers will not be permitted. All those wishing to speak including Council/Agency/Authority and Staff need to be recognized by the Mayor/Chairman before speaking.

## **11. WRITTEN COMMUNICATIONS                      None.**

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

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

At this time Council/Agency/Authority Members may report on items not specifically described on the agenda which are of interest to the community provided no discussion or action may be taken except to provide staff direction to report back or to place the item on a future agenda.

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

At this time Council/Agency/Authority Members may place an item on a future agenda.



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

At this time Council/Agency/Authority Members may place an item on a future study session agenda.

Currently Scheduled:

- None.

**12D. CITY COUNCIL INITIATED ITEM — DISCUSSION REGARDING THE POSSIBILITY OF INCREASING FINES FOR THE DISCHARGE OF ILLEGAL FIREWORKS**

At the July 26, 2016 City Council meeting, Council Member Ramirez requested that this item be agendaized for discussion.

**RECOMMENDED ACTION:**

City Council provide direction to staff.

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

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

**14A. ORANGE COUNTY FIRE AUTHORITY**

At this time the Orange County Fire Authority will provide the City Council with an update on their current operations.

**15. ADJOURNMENT**

I hereby certify under penalty of perjury under the laws of the State of California, the foregoing agenda was posted at the Post Office, Stanton Community Services Center and City Hall, not less than 72 hours prior to the meeting. Dated this 4<sup>th</sup> day of August, 2016.



Patricia A. Vazquez, City Clerk/Secretary

CC/SA/SHA AGENDA – Joint Regular Meeting – August 9, 2016 - Page 9

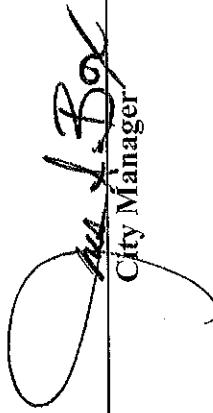
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**CITY OF STANTON  
ACCOUNTS PAYABLE REGISTER**

July 21, 2016	\$126,222.83
July 28, 2016	\$184,910.43

\$311,133.26
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Demands listed on the attached registers conform to the City of Stanton Annual Budget as approved by the City Council.

  
\_\_\_\_\_  
City Manager

Demands listed on the attached registers are accurate and funds are available for payment thereof.

  
\_\_\_\_\_  
Administrative Services Director

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## MINUTES OF THE CITY COUNCIL / SUCCESSOR AGENCY / HOUSING AUTHORITY OF THE CITY OF STANTON JOINT REGULAR MEETING JULY 26, 2016

### 1. CALL TO ORDER / CLOSED SESSION

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

### 2. ROLL CALL

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

Absent: None.

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 6:01 p.m. for discussion regarding:

#### 4A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Pursuant to Government Code Section 54957.6)

Title: City Attorney

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

The meetings were called to order at 6:31 p.m. by Mayor/Chairman Donahue.

The City Attorney reported that the Stanton City Council met in closed session from 6:01 to 6:30 p.m.

The City Attorney reported that there was no reportable action.

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### **6. ROLL CALL**

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

Absent: None.

Excused: None.

### **7. PLEDGE OF ALLEGIANCE**

Led by Ms. Patricia A. Vazquez, City Clerk.

### **8. SPECIAL PRESENTATIONS AND AWARDS**

8A. Presentation by Jason Ward, Community Services Coordinator; providing the City Council with information on the Summer GRIP and Camp Stanton programming.

### **9. CONSENT CALENDAR**

Item 9G was pulled from the consent calendar for separate discussion.

Motion/Second: Ramirez/Shawver  
Motion unanimously carried 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 Board/Authority Board waived reading of Ordinances and Resolutions.

## **DRAFT**

### **9B. APPROVAL OF WARRANTS**

The City Council approved demand warrants dated July 7, 2016 and July 13, 2016, in the amount of \$808,650.75.

### **9C. APPROVAL OF MINUTES**

1. The City Council/Agency/Authority Board approved Minutes of Regular Joint Meeting – July 12, 2016; and
2. The City Council approved Minutes of Special Meeting – July 14, 2016.

### **9D. ACCEPTANCE OF THE BEACH BOULEVARD AND VILLAGE CENTER DRIVE TRAFFIC SIGNAL IMPROVEMENT PROJECT BY THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA**

The Beach Boulevard and Village Center Drive Traffic Signal Improvement Project has been completed in accordance with the plans and specifications. The final construction cost for the project was \$410,337.20. The City Engineer, in his judgment, certifies that the work was satisfactorily completed as of July 26, 2016 and recommends that the City Council accept the completed work performed on this 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%. In October 13, 2015 City Council approved Change Order Numbers 006 and 007 in the additive amount of \$31,495.16 in order to improve the final product by extending the paving limits. Additional costs aroused in the final stages of the project in the total of \$7,831.04. Therefore, Staff requests that the Council authorize the final change order in the total additive amount of \$7,831.04.

1. The City Council declared this project categorically exempt under the California Environmental Quality Act, Class 1, and section 15301; and
2. Approved Change Order 008 in the total additive amount of \$7,831.04 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. 008; and
4. Accepted the completion of the construction of Beach Boulevard and Village Center Drive Traffic Signal Improvement Project; and
5. Approved the final construction contract amount of \$388,888.00 with PTM Engineering Services, Inc.; and

## **DRAFT**

6. 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
7. 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 PTM Engineering Services, Inc. in the amount of \$22,308.41.

### **9E. JUNE 2016 INVESTMENT REPORT**

The Investment Report as of June 30, 2016 has been prepared in accordance with the City's Investment Policy and California Government Code Section 53646.

1. The City Council finds that this item is not subject to California Environmental Quality Act ("CEQA") pursuant to Sections 15378(b)(5) (Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment); and
2. Received and filed the Investment Report for the month of June 2016.

### **9F. JUNE 2016 INVESTMENT REPORT (SUCCESSOR AGENCY)**

The Investment Report as of June 30, 2016 has been prepared in accordance with the City's Investment Policy and California Government Code Section 53646.

1. The Successor Agency finds that this item is not subject to California Environmental Quality Act ("CEQA") pursuant to Sections 15378(b)(5) (Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment), and
2. Received and filed the Investment Report for the month of June 2016.

### **9H. AWARD OF CONTRACT FOR CONSTRUCTION INSPECTION SERVICES FOR THE KERMORE LANE RECONSTRUCTION PROJECT BY THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA**

Staff solicited Proposals to provide Construction Inspection Services for the Kermore Lane Reconstruction Project. Staff found that Civil Source was the most qualified firm to provide these services.

The cost for completing the Construction Inspection Services is \$42,400.

1. The City Council finds that this action is not a project per CEQA; and
2. Awarded a professional service contract to Civil Source to provide construction inspection services for the duration of the Kermore Lane Reconstruction Project for a maximum contract amount of \$42,400; and

## **DRAFT**

3. Authorized the City Manager to bind the City of Stanton and Civil Source in a contract to provide construction inspection services; and
4. Approved budget adjustment number 2017-03 establishing appropriations necessary for the Kermore Lane Reconstruction Project.

### **END OF CONSENT CALENDAR**

**9G. AUTHORIZATION FOR COUNCIL MEMBER RIGOBERTO A. RAMIREZ, COUNCIL MEMBER DAVID J. SHAWVER, AND MAYOR PRO TEM CAROL WARREN TO ATTEND THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE**

Pursuant to the City of Stanton Travel and Reimbursement policy, a Council Member must receive City Council approval prior to a trip, if the trip will exceed \$500.00.

Staff report by Ms. Patricia A. Vazquez, City Clerk.

Motion/Second: Warren/Ethans

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 finds that this item is not subject to California Environmental Quality Act ("CEQA") pursuant to Sections 15378(b)(5)(Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment); and
2. Approved Council Member David J. Shawver and Mayor Pro Tem Carol Warren to attend the League of California Cities annual conference, scheduled for October 5 - 7, 2016 in the City of Long Beach; and
3. Designated Mayor Pro Tem Carol Warren as the voting delegate and Council Member David J. Shawver as the voting delegate alternate.

## DRAFT

### 10. PUBLIC HEARINGS

#### 10A. PROPOSED ORDINANCE TO AMEND THE CITY'S ZONING CODE TO ESTABLISH NEW REGULATIONS RELATING TO POLITICAL SIGNS AND TEMPORARY NONCOMMERCIAL SIGNS

The Council previously directed staff to amend the City's sign ordinances to comply with a 2015 United States Supreme Court ruling. This staff report proposes an ordinance to revise the City's sign ordinances, including allowing a certain number of temporary noncommercial signs to be displayed on private property during an election period.

Staff report by Ms. Kelly Hart, Community Development Director.

The public hearing was opened.

- Mr. Nicholas Dibs - spoke in opposition to the proposed changes to the City's zoning code to establish new regulations relating to political signs and temporary noncommercial signs.

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

Motion/Second: Shawver/Warren

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

Motion carried:

1. The City Council conducted a public hearing; and
2. Tabled this item for discussion at a future City Council meeting.



## DRAFT

### 11. UNFINISHED BUSINESS

#### 11A. DISCUSSION AND UPDATE ON REMOVAL OF RED CURBING AND OVERNIGHT PARKING RESTRICTIONS

During the June 28, 2016 meeting of the City Council, Council reviewed various possibilities for removing red curb and adding parking spaces on City streets. Staff has performed further investigation and would like to receive Council direction on two locations and to provide status updates on the others.

- Mr. Matthew E. Richardson, City Attorney announced that due to a conflict of interest the City Council will initiate a drawing of names of those who are within the proximity of the subject area that is to be discussed (potential changes to the road on Cerritos from Knott to Western).
- Council Member Ethans, Council Member Ramirez and Council Member Shawver, stated that they had a conflict of interest due to the proximity of their residences to the subject area that is to be discussed (potential changes to the road on Cerritos from Knott to Western).
- Mr. Matthew E. Richardson, City Attorney asked Ms. Patricia A. Vazquez, City Clerk to pull a name from the box containing the three names of each Council Member. Council Member Ethans was selected to remain in the Chambers and at the dais for the purpose of creating a quorum. Council Member Ramirez recused himself from the dais and the council chamber, Council Member Shawver recused himself from the dais and remained in the audience. Council Member Ethans remained in the council chambers and at the dais.

Staff report by Mr. Allan Rigg, Public Works Director/City Engineer.

Motion/Second:

Failed due to a lack of a motion.

Recommended action to remove red curbing - required to eliminate the center turn lane on Cerritos from Knott to Western failed due to a lack of a motion.

Motion/Second: Ethans/Warren

Motion unanimously carried by the following vote:

AYES: 3 (Donahue, Ethans, and Warren)

NOES: None

ABSTAIN: 2 (Ramirez and Shawver)

ABSENT: None

1. The City Council declared that the project is not subject to the California Environmental Quality Act ("CEQA") under Section 15061(b)(3) as the activity is covered by the

## **DRAFT**

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. Directed staff to proceed with the removal of red curbing at the following location:
  - North side of Lampson West of Beach Boulevard.

Council Member Ramirez returned to the council chamber and dais and Council Member Shawver returned to the dais.

### **11B. REVIEW OF SOUTHERN CALIFORNIA EDISON VALUATION STUDY OF STREETLIGHTS IN STANTON, AND REVIEW OF PROGRAM FOR SOUTHERN CALIFORNIA EDISON TO RETROFIT ALL STREETLIGHTS IN STANTON WITH LED HARDWARE/BULBS**

On May 26, 2015, the City Council directed staff to work with Southern California Edison (SCE) to prepare a valuation study of the streetlights in the City. The purpose would be to prepare for the potential acquisition of the streetlights by the City. The report has been completed on April 20, 2016 and is attached for the City Council's review.

When the SCE representatives presented the valuation report to staff, they provided information on a potential upcoming program that would allow cities to ask SCE to retrofit existing streetlights with LED fixtures and bulbs. This program was approved by the State in June of this year. As an alternative to purchasing the streetlights, the City could ask SCE to perform these retrofits at no initial capital cost and a net savings annually.

Motion/Second: Warren/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 determined that in accordance with the requirements of the California Environmental Quality Act, the action would not be deemed to be a project per Section 15378(b)(4): ["Project" does not include] The creation of a government funding mechanism or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment; and
2. Directed staff to proceed with requesting proposals from vendors researching the costs and benefits of purchasing the streetlights from Southern California Edison.

## DRAFT

### 12. NEW BUSINESS

#### 12A. CONSIDERATION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, AMENDING CHAPTER 5.04 OF TITLE 5 OF THE STANTON MUNICIPAL CODE RELATING TO BUSINESS LICENSES AND REGULATIONS

The Council previously directed staff to amend the City's Business Licenses and Regulations Ordinance to require business license applicants to, among other things, verify that the applicant or business had not previously been convicted of illegal activity in other jurisdictions that relate to the proposed business. The proposed ordinance requires business license applicants to verify the applicant and business' past conduct in other jurisdictions and provides a procedure to deny or revoke business licenses if certain requirements are not met. Moreover, the proposed ordinance cleans up several provisions of Chapter 5.04.

Staff report by Mr. Matthew E. Richardson, City Attorney.

Motion/Second: Ramirez/Ethans

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

Motion unanimously carried:

1. The City Council considered proposed Ordinance No. 1056 entitled:

**"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, AMENDING CHAPTER 5.04 OF TITLE 5 OF THE STANTON MUNICIPAL CODE RELATING TO BUSINESS LICENSES AND REGULATIONS"; and**

2. Finds that Ordinance No. 1056 is exempt from CEQA pursuant to Section 15061(b)(3), because there is no possibility that the proposed Ordinance will have a significant effect on the environment; and

3. Conducted the first reading of Ordinance No. 1056 entitled:

**"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, AMENDING CHAPTER 5.04 OF TITLE 5 OF THE STANTON MUNICIPAL CODE RELATING TO BUSINESS LICENSES AND REGULATIONS"; and**

4. Set said ordinance for adoption at the regular City Council meeting of August 9, 2016 meeting.

## **DRAFT**

### **13. ORAL COMMUNICATIONS – PUBLIC**

- Mr. Bob Lewis, Stanton, spoke regarding his concerns with fireworks and the potential fire hazard from the discharge of those aforementioned fireworks.
- Presentation by Ms. Emily France, Southern California Gas Company, sharing their mission with the City Council and providing information on their current operations.

### **14. WRITTEN COMMUNICATIONS**                      None.

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

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

Council Member Ethans reported on the Orange County Vector Control District's West Nile virus and Zika virus alerts and cases within the City.

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

Council Member Ramirez requested to agendize discussion regarding increasing the fine amount for the discharge of illegal fireworks.

#### **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**

- Ms. Julie S. Roman, Community Services Director spoke regarding the upcoming National Night Out event, which is scheduled to be held on August 3, 2016 at Stanton Central Park.
- Ms. Julie S. Roman, Community Services Director spoke regarding the upcoming Movies in the Park event, which is scheduled to be held on July 29, 2016 at Stanton Central Park.

## **DRAFT**

### **17A. ORANGE COUNTY SHERIFF'S DEPARTMENT**

Lieutenant Sean Howell provided the City Council with an update on their current operations.

- 18. ADJOURNMENT** Motion/Second: Donahue/  
Motion carried at 8:06 p.m.

---

MAYOR/CHAIRMAN

ATTEST:

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CITY CLERK/SECRETARY

# CITY OF STANTON

## REPORT TO CITY COUNCIL

**TO:** Honorable Mayor and Members of the City Council

**DATE:** August 9, 2016

**SUBJECT: CONTRACT AMENDMENT TO EXTEND ON-CALL TRAFFIC OPERATIONS SERVICES TO HARTZOG AND CRABILL BY THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA**

### REPORT IN BRIEF:

Staff would propose to extend the current On-Call Traffic Operations Services contract for two additional years.

The cost for completing the On-Call Traffic Operations Services contract is \$40,000 for a period of two (2) years.

### RECOMMENDED ACTION:

1. Declare 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.
2. City Council approve a contract amendment to the on-call contract with Hartzog and Crabill, Inc to provide traffic operations services for a two year period for a maximum contract amount of \$40,000.
3. Authorize the City Manager to bind the City of Stanton and Hartzog and Crabill, Inc in a contract to provide on-call traffic operations services.

### BACKGROUND:

Staff currently utilizes the services of Hartzog and Crabill, Inc. (HCI) to provide traffic engineering support. HCI is currently contracted to maintain the signal timing operations of all city owned traffic signals. These services include the preparation and review of traffic impact analyses, engineering and traffic surveys for establishing speed limits, traffic signal and striping plans, specifications, estimates, traffic control plans, and

development and design of traffic signal coordination systems.

**ANALYSIS/JUSTIFICATION:**

A request for proposals (RFP) was advertised on the City website on May 15, 2014 and was due back on June 10, 2014. Additionally staff used the services of Integrated Marketing Systems to distribute the RFP to consultants throughout Southern California. Staff obtained one (1) proposal to provide these services. After reviewing this proposal, staff determined HCI to be qualified to continue to provide these services. HCI currently provides on-call traffic operations services contracts for numerous cities in Orange County such as: Cypress, La Palma and Los Alamitos. The original contract covered a two year period, with \$20,000 allocated for FY14-15, and \$20,000 anticipated to be allocated for FY15-16.

The consultants' staff have performed very well over this two-year period and the proposed contract amendment would extend the contract for another two years at the same unit prices.

**FISCAL IMPACT:**

Funds for these services are available from 225-3520-608105.

**ENVIRONMENTAL IMPACT:**

In accordance with the requirements of the CEQA, this project has been determined to be exempt under Section 15061(b)(3).

**LEGAL REVIEW:**

None.

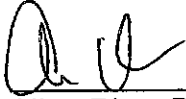
**PUBLIC NOTIFICATION:**

Notifications and advertisement were performed as prescribed by law.

**STRATEGIC PLAN OBJECTIVE ADDRESSED:**

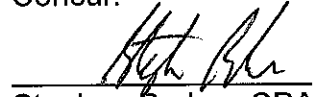
3 - Provide a quality infrastructure.

Prepared by:



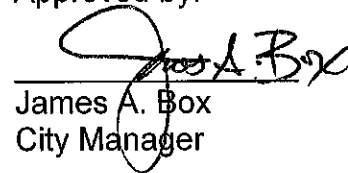
Allan Rigg, P.E., AICP  
Director of Public Works/City Engineer

Concur:



Stephen Parker, CPA  
Administrative Services Director

Approved by:



James A. Box  
City Manager



# **CITY OF STANTON**

## **REPORT TO CITY COUNCIL**

**TO:** Honorable Mayor and City Council

**DATE:** August 9, 2016

**SUBJECT: SECOND CONTRACT AMENDMENT FOR LILLEY PLANNING GROUP**

### **REPORT IN BRIEF:**

Requested is the authorization to allow the City Manager to extend the professional services agreement with Lilley Planning Group to continue providing contract planning services for the Community Development Department.

### **RECOMMENDED ACTION:**

1. Declare 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. Approve the contract amendment for Lilley Planning Group; and
3. Authorize the City Manager to bind the City of Stanton and Lilley Planning Group in a contract to continue providing contract planning services for the Community Development Department.

### **BACKGROUND:**

With the departure of the former Community Development Director, and the appointment of Kelly Hart as the interim and new Community Development Director, the Lilley Planning Group was chosen to provide contract services for the planning division to fill the temporary vacancies. Now, with the departure of the Associate Planner, temporary contract services are needed while recruiting for the position. The original contract agreement was for the term of two-months, with the option to extend for an additional period as needed, with a not to exceed amount of \$20,000. The first amendment extended the term and not to exceed amount by an additional \$12,000.

### **ANALYSIS/JUSTIFICATION:**

The proposed second contract amendment would include an extension of the contract term

and payment amount. This second amendment would extend the term of the contract for an additional three months with options to automatically extend, and would increase the contract amount by \$30,000. This will allow Lilley Planning Group to provide assistance to the Planning Division while the recruiting for the vacated planner position, and to assist with the higher than normal workloads in the planning division. The contract planner who assisted the City during the previous recruitment period is available and would be returning, which will provide for a smoother transition and more efficient use of time.

**FISCAL IMPACT:**

The \$30,000 in consulting fees would be paid from the General Fund (Account No. 101-4100-608105).

**ENVIRONMENTAL IMPACT:**

In accordance with the requirements of the CEQA, this project has been determined to be not a project under Section 15061(b)(3).

**PUBLIC NOTIFICATION:**

Public notice for this item was made through the regular agenda process.

**STRATEGIC PLAN:**

6 – Maintain and Promote a Responsive, High Quality and Transparent Government.

Prepared By:



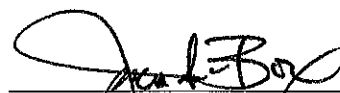
Kelly Hart  
Community  
Development Director

Concurred by:



Stephen Parker  
Administrative Services  
Director

Approved by:



James A. Box  
City Manager

Attachment:

A. Lilley Planning Group Contract Extension

## **CITY OF STANTON**

### **SECOND AMENDMENT TO CONSULTANT CONTRACT FOR CONTRACT PLANNING SERVICES**

**THIS AMENDMENT TO CONTRACT FOR CONTRACT PLANNING SERVICES** (the "Amendment"), is made and entered into on August 9, 2016 by and between the City of Stanton, a California municipal corporation (the "City") and LILLEY PLANNING GROUP, a California company (the "Consultant").

#### **A. RECITALS.**

(i) On February 18, 2016, City and Consultant entered into that Contract for Contract Planning Services (the "Agreement") for the services of Consultant in connection with providing current planning assistance including, but not limited to processing of entitlement applications, and answering public inquiries at the public counter; and

(ii) On June 14, 2016, City and Consultant agreed to the first contract amendment to extend the term and payment amount; and

(ii) City and Consultant agree that it is in the best interests of both to conduct a second amendment to the Agreement to extend the term and payment amount of the Agreement.

#### **B. AMENDMENT.**

In consideration of the mutual covenants and conditions set forth herein, the City and Consultant agree as follows:

##### **1. TERM**

City intends to contract Consultant for professional services, which shall commence on August 9, 2016, and shall remain and continue in effect until November 9, 2016, with the option to extend services for an additional period as agreed upon by both parties for a period no longer than six months, unless sooner terminated pursuant to the provisions of this Amendment.

##### **2. SERVICES**

Consultant shall provide contract planning services including entitlement processing, assistance with public inquiries, and other similar duties for the City as enumerated on **Exhibit A**, attached hereto and incorporated herein as though set forth in full.

3. **PERFORMANCE**

Consultant shall at all times faithfully, competently and to the best of his/her ability, experience, and talent, perform all tasks described herein. Consultant shall employ, at a minimum, generally accepted standards and practices utilized by persons engaged in providing similar services as are required of Consultant hereunder in meeting its obligations under this Agreement.

4. **CITY MANAGEMENT**

The City of Stanton's City Manager shall represent City in all matters pertaining to the administration of this Agreement, review and approval of all products submitted by Consultant. The City Manager shall be authorized to act on City's behalf and to execute all necessary documents that enlarge the Scope of Services or change Consultant's compensation, subject to Section 5 hereof.

5. **PAYMENT**

(a) The City agrees to pay Consultant in accordance with the payment rates and terms as set forth within **Exhibit A**, attached hereto and incorporated herein by this reference as though set forth in full, based upon actual time spent on the above tasks. In no event contract amount exceed thirty thousand dollars (\$30,000.00).

(b) Consultant shall not be compensated for any services rendered in connection with its performance of this Agreement that are in addition to those set forth herein, unless such additional services are authorized in advance and in writing by the City Manager. Consultant shall be compensated for any additional services in the amounts and in the manner as agreed to by City Manager and Consultant at the time City's written authorization is given to Consultant for the performance of said services.

(c) Consultant will submit an invoice for actual services performed. Invoices shall be submitted on or about the first business day of each month, or as soon thereafter as practical, for services provided in the previous month. Payment shall be made within thirty (30) days of receipt of each invoice as to all non-disputed fees. If the City disputes any of Consultant's fees it shall give written notice to Consultant within thirty (30) days of receipt of an invoice of any disputed fees set forth on the invoice.

6. **SUSPENSION OR TERMINATION OF AGREEMENT WITHOUT CAUSE**

(a) The City may at any time, for any reason, with or without cause, suspend or terminate this Agreement, or any portion hereof, by serving upon the Consultant at least ten (10) days prior written notice. Upon receipt of said notice, the Consultant shall immediately cease all work

under this Agreement, unless the notice provides otherwise. If the City suspends or terminates a portion of this Agreement such suspension or termination shall not make void or invalidate the remainder of this Agreement.

(b) In the event this Agreement is terminated pursuant to this Section, the City shall pay to Consultant the actual value of the work performed up to the time of termination, provided that the work performed is of value to the City. Upon termination of the Agreement pursuant to this Section, the Consultant will submit an invoice to the City pursuant to Section 3.

7. **DEFAULT OF CONSULTANT**

(a) The Consultant's failure to comply with the provisions of this Agreement shall constitute a default. In the event that Consultant is in default for cause under the terms of this Agreement, City shall have no obligation or duty to continue compensating Consultant for any work performed after the date of default and can terminate this Agreement immediately by written notice to the Consultant. If such failure by the Consultant to make progress in the performance of work hereunder arises out of causes beyond the Consultant's control, and without fault or negligence of the Consultant, it shall not be considered a default.

(b) If the City Manager or his/her delegate determines that the Consultant is in default in the performance of any of the terms or conditions of this Agreement, he/she shall cause to be served upon the Consultant a written notice of the default. The Consultant shall have ten (10) days after service of said notice in which to cure the default by rendering a satisfactory performance. In the event that the Consultant fails to cure its default within such period of time, the City shall have the right, notwithstanding any other provision of this Agreement, to terminate this Agreement without further notice and without prejudice to any other remedy to which it may be entitled at law, in equity or under this Agreement.

8. **OWNERSHIP OF DOCUMENTS**

(a) Consultant shall maintain complete and accurate records with respect to sales, costs, expenses, receipts, and other such information required by City that relate to the performance of services under this Agreement. Consultant shall maintain adequate records of services provided in sufficient detail to permit an evaluation of services. All such records shall be maintained in accordance with generally accepted accounting principles and shall be clearly identified and readily accessible. Consultant shall provide free access to the representatives of City or its designees at reasonable times to such books and records; shall give City the right to examine and audit said books and records; shall permit City to make transcripts there from as necessary; and shall allow inspection of all work, data, documents, proceedings, and activities related to this

Agreement. Such records, together with supporting documents, shall be maintained for a period of three (3) years after receipt of final payment.

(b) Upon completion of, or in the event of termination or suspension of this Agreement, all original documents, designs, drawings, maps, models, computer files, surveys, notes, and other documents prepared in the course of providing the services to be performed pursuant to this Agreement shall become the sole property of the City and may be used, reused, or otherwise disposed of by the City without the permission of the Consultant. However, use of data by City for other than the project that is the subject of this agreement shall be at City's sole risk without legal liability or exposure to Consultant. With respect to computer files, Consultant shall make available to the City, at the Consultant's office and upon reasonable written request by the City, the necessary computer software and hardware for purposes of accessing, compiling, transferring, and printing computer files.

9. **INDEMNIFICATION**

(a) Indemnification for Professional Liability. Where the law establishes a professional standard of care for Consultant's Services, to the fullest extent permitted by law, Consultant shall indemnify, protect, defend and hold harmless City, and any and all of its officials, employees and agents (collectively "Indemnified Parties"), from and against any and all claims, charges, complaints, liabilities, obligations, promises, benefits, agreements, controversies, costs, losses, debts, expenses, damages, actions, causes of action, suits, rights, and demands of any nature whatsoever, including but not limited to the extent same are caused or contributed to in whole or in part which relate to or arise out of any negligent, intentional or willful act, omission, occurrence, condition, event, transaction, or thing which was done, occurred, or omitted to be done (collectively "Claims"), by Consultant, its officers, agents, employees or subcontractors (or any entity or individual that Consultant shall bear the legal liability thereof) in the performance of professional services under this Agreement without regard to whether such Claims arise under the federal, state, or local constitutions, statutes, rules or regulations, or the common law. With respect to the design of public improvements, the Consultant shall not be liable for any injuries or property damage resulting from the reuse of the design at a location other than that specified in Exhibit A without the written consent of the Consultant.

(b) Indemnification for Other than Professional Liability. In addition to indemnification related to the performance of professional services and to the full extent permitted by law, Consultant shall further indemnify, protect, defend and hold harmless the City and Indemnified Parties from and against any liability (including Claims) where the same arise out of, are a consequence of, or are in any way attributable to, in whole or in part, the performance of this Agreement by Consultant or by any individual or entity

for which Consultant is legally liable, including but not limited to officers, agents, employees or subcontractors of Consultant.

(c) General Indemnification Provisions. Consultant agrees to obtain executed indemnity agreements which indemnify, protect, defend and hold harmless the City from liability, with provisions identical to those set forth here in this Section 9 from each and every subcontractor or any other person or entity involved by, for, with or on behalf of Consultant in the performance of this Agreement. In the event Consultant fails to obtain such indemnity obligations from others as required, this failure shall be a material breach of this Agreement, and Consultant agrees to be fully responsible according to the terms of this entire Section 9. City has no obligation to ensure compliance with this Section by Consultant and failure to do so will in no way act as a waiver. This obligation to indemnify and defend City is binding on the successors, assigns or heirs of Consultant, and shall survive the termination of this Agreement or this section.

(d) Obligation to Defend. It shall be the sole responsibility and duty of Consultant to fully pay for and indemnify the City for the costs of defense, including but not limited to reasonable attorney's fees and costs, for all Claims against the City and the Indemnified Parties, whether covered or uncovered by Consultant's insurance, against the City and the Indemnified Parties which arise out of any type of omission or error, negligent or wrongful act, of Consultant, its officers, agents, employees, or subcontractors. City shall have the right to select defense counsel.

#### 10. INSURANCE

Consultant shall maintain prior to the beginning of and for the duration of this Agreement insurance coverage as specified in **Exhibit B** attached to and part of this Agreement.

#### 11. INDEPENDENT CONSULTANT

(a) Consultant is and shall at all times remain as to the City a wholly independent Consultant. The personnel performing the services under this Agreement on behalf of Consultant shall at all times be under Consultant's exclusive direction and control. Neither City nor any of its officers, employees, or agents shall have control over the conduct of Consultant or any of Consultant's officers, employees, or agents, except as set forth in this Agreement. Consultant shall not at any time or in any manner represent that it or any of its officers, employees, or agents are in any manner officers, employees, or agents of the City. Consultant shall not incur or have the power to incur any debt, obligation, or liability whatever against City, or bind City in any manner.

(b) No employee benefits shall be available to Consultant in connection with the performance of this Agreement. Except for the fees paid to

Consultant as provided in the Agreement, City shall not pay salaries, wages, or other compensation to Consultant for performing services hereunder for City. City shall not be liable for compensation or indemnification to Consultant for injury or sickness arising out of performing services hereunder.

12. **LEGAL RESPONSIBILITIES**

The Consultant shall keep itself informed of State and Federal laws and regulations, which in any manner affect those employed by it or in any way, affect the performance of its service pursuant to this Agreement. The Consultant shall at all times observe and comply with all such laws and regulations. The City, and its officers and employees, shall not be liable at law or in equity occasioned by failure of the Consultant to comply with this Section.

13. **UNDUE INFLUENCE**

Consultant declares and warrants that no undue influence or pressure is used against or in concert with any officer or employee of the City of Stanton in connection with the award, terms or implementation of this Agreement, including any method of coercion, confidential financial arrangement, or financial inducement. No officer or employee of the City of Stanton will receive compensation, directly or indirectly, from Consultant, or from any officer, employee or agent of Consultant, in connection with the award of this Agreement or any work to be conducted as a result of this Agreement. Violation of this Section shall be a material breach of this Agreement entitling the City to any and all remedies at law or in equity.

14. **NO BENEFIT TO ARISE TO LOCAL EMPLOYEES**

No member, officer, or employee of City, or their designees or agents, and no public official who exercises authority over or responsibilities with respect to the Project during his/her tenure or for one year thereafter, shall have any interest, direct or indirect, in any agreement or sub-agreement, or the proceeds thereof, for work to be performed in connection with the Project performed under this Agreement.

15. **RELEASE OF INFORMATION/CONFLICTS OF INTEREST**

(a) All information gained by Consultant in performance of this Agreement shall be considered confidential and shall not be released by Consultant without City's prior written authorization. Consultant, its officers, employees, agents, or sub consultants, shall not without written authorization from the City Manager or unless requested by the City Attorney, voluntarily provide declarations, letters of support, testimony at depositions, response to interrogatories, or other information concerning the work performed under this Agreement or relating to any project or



property located within the City. Response to a subpoena or court order shall not be considered "voluntary" provided Consultant gives City notice of such court order or subpoena.

(b) Consultant shall promptly notify City should Consultant, its officers, employees, agents, or sub consultants be served with any summons, complaint, subpoena, notice of deposition, request for documents, interrogatories, request for admissions, or other discovery request, court order, or subpoena from any person or party regarding this Agreement and the work performed there under or with respect to any project or property located within the City. City retains the right, but has no obligation, to represent Consultant and/or be present at any deposition, hearing, or similar proceeding. Consultant agrees to cooperate fully with City and to provide the opportunity to review any response to discovery requests provided by Consultant. However, City's right to review any such response does not imply or mean the right by City to control, direct, or rewrite said response.

16. **NOTICES**

Any notices which either party may desire to give to the other party under this Agreement must be in writing and may be given either by (i) personal service, (ii) delivery by a reputable document delivery service, such as but not limited to, Federal Express, which provides a receipt showing date and time of delivery, or (iii) mailing in the United States Mail, certified mail, postage prepaid, return receipt requested, addressed to the address of the party as set forth below or at any other address as that party may later designate by notice:

To City:           City of Stanton  
                      7800 Katella Avenue  
                      Stanton, California 90680  
                      Attention: City Clerk

To Consultant:   Lilley Planning Group  
                      135 S. State College Blvd., Ste 200  
                      Brea, CA 92821

17. **ASSIGNMENT**

The Consultant shall not assign the performance of this Agreement, nor any part thereof, nor any monies due hereunder, without prior written consent of the City. Because of the personal nature of the services to be rendered pursuant to this Agreement, only Amy Vazquez and Yalini Siva shall perform the services described in this Agreement.

Amy Vazquez and Yalini Siva may use assistants, under her supervision, to perform some of the services under this Agreement. Consultant shall provide City fourteen (14) days' notice prior to the departure of Amy Vazquez or Yalini Siva from Consultant's employ. Should he/she leave Consultant's employ, the City shall have the option to immediately terminate this Agreement, within three (3) days of the close of said notice period. Upon termination of this Agreement, Consultant's sole compensation shall be payment for actual services performed up to, and including, the date of termination or as may be otherwise agreed to in writing between the City Council and the Consultant.

18. **LICENSES**

At all times during the term of this Agreement, Consultant shall have in full force and effect, all licenses required of it by law for the performance of the services described in this Agreement.

19. **GOVERNING LAW**

The City and Consultant understand and agree that the laws of the State of California shall govern the rights, obligations, duties, and liabilities of the parties to this Agreement and also govern the interpretation of this Agreement. Any litigation concerning this Agreement shall take place in the municipal, superior, or federal district court with jurisdiction over the City of Stanton.

20. **ENTIRE AGREEMENT**

This Agreement contains the entire understanding that between the parties relating to the obligations of the parties described in this Agreement. All prior or contemporaneous agreements, understandings, representations, and statements, oral or written, are merged into this Agreement and shall be of no further force or effect. Each party is entering into this Agreement based solely upon the representations set forth herein and upon each party's own independent investigation of any and all facts such party deems material.

21. **CONTENTS OF PROPOSAL**

Consultant is bound by the contents of the proposal submitted by the Consultant, Exhibit "A" hereto.

22. **AUTHORITY TO EXECUTE THIS AGREEMENT**

The person or persons executing this Agreement on behalf of Consultant warrants and represents that he/she has the authority to execute this Agreement on behalf of the Consultant and has the authority to bind Consultant to the performance of its obligations hereunder.

**IN WITNESS WHEREOF**, the parties hereto have caused this Agreement to be executed the day and year first above written.

**CITY OF STANTON:**

**CONSULTANT:**

By: \_\_\_\_\_  
James A. Box  
CITY MANAGER

By: \_\_\_\_\_  
Amy Vazquez  
PRINCIPAL

**ATTEST:**

By: \_\_\_\_\_  
Patricia A. Vazquez  
CITY CLERK

By: \_\_\_\_\_  
(Corporate Officer)

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
Matthew E. Richardson  
CITY ATTORNEY

**NOTARY REQUIRED**

**EXHIBIT A**

**TASKS TO BE PERFORMED**

Per Consultant Proposal dated February 9, 2016

## **EXHIBIT B**

### **INSURANCE REQUIREMENTS**

Prior to the beginning of and throughout the duration of the Work, Consultant will maintain insurance in conformance with the requirements set forth below. Consultant will use existing coverage to comply with these requirements. If that existing coverage does not meet the requirements set forth here, Consultant agrees to amend, supplement or endorse the existing coverage to do so. Consultant acknowledges that the insurance coverage and policy limits set forth in this section constitute the minimum amount of coverage required. Any insurance proceeds available to City in excess of the limits and coverage required in this Agreement and which is applicable to a given loss, will be available to City.

Consultant shall provide the following types and amounts of insurance:

1. **Commercial General Liability Insurance** using Insurance Services Office "Commercial General Liability" policy form CG 00 01 or the exact equivalent. Defense costs must be paid in addition to limits. There shall be no cross liability exclusion for claims or suits by one insured against another. Limits are subject to review but in no event less than \$1,000,000 per occurrence.
2. **Business Auto Coverage** on ISO Business Auto Coverage form CA 00 01 including symbol 1 (Any Auto) or the exact equivalent. Limits are subject to review, but in no event to be less than \$1,000,000 per accident. If Consultant owns no vehicles, this requirement may be satisfied by a non-owned auto endorsement to the general liability policy described above. If Consultant or Consultant's employees will use personal autos in any way on this project, Consultant shall provide evidence of personal auto liability coverage for each such person.
3. **Workers Compensation** on a state-approved policy form providing statutory benefits as required by law with employer's liability limits no less than \$1,000,000 per accident or disease.
4. **Professional Liability or Errors and Omissions Insurance** as appropriate shall be written on a policy form coverage specifically designed to protect against acts, errors or omissions of the consultant and "Covered Professional Services" as designated in the policy must specifically include work performed under this Agreement. The policy limit shall be no less than \$1,000,000 per claim and in the aggregate. The policy must "pay on behalf of" the insured and must include a provision

establishing the insurer's duty to defend. The policy retroactive date shall be on or before the effective date of this Agreement.

Insurance procured pursuant to these requirements shall be written by insurers that are admitted carriers in the state of California and with an A.M. Bests rating of A or better and a minimum financial size VII.

**General conditions pertaining to provision of insurance coverage by Consultant.** Consultant and City agree to the following with respect to insurance provided by Consultant:

1. Consultant agrees to have its insurer endorse the third party general liability coverage required herein to include as additional insureds City, its officials, employees and agents, using standard ISO endorsement No. CG 2010 with an edition prior to 1992. Consultant also agrees to require all contractors, and subcontractors to do likewise.
2. No liability insurance coverage provided to comply with this Agreement shall prohibit Consultant, or Consultant's employees, or agents, from waiving the right of subrogation prior to a loss. Consultant agrees to waive subrogation rights against City regardless of the applicability of any insurance proceeds, and to require all contractors and subcontractors to do likewise.
3. All insurance coverage and limits provided by Contractor and available or applicable to this Agreement are intended to apply to the full extent of the policies. Nothing contained in this Agreement or any other agreement relating to the City or its operations limits the application of such insurance coverage.
4. None of the coverages required herein will be in compliance with these requirements if they include any limiting endorsement of any kind that has not been first submitted to City and approved of in writing.
5. No liability policy shall contain any provision or definition that would serve to eliminate so-called "third party action over" claims, including any exclusion for bodily injury to an employee of the insured or of any contractor or subcontractor.
6. All coverage types and limits required are subject to approval, modification and additional requirements by the City, as the need arises. Consultant shall not make any reductions in scope of coverage (e.g. elimination of contractual liability or reduction of discovery period) that may affect City's protection without City's prior written consent.
7. Proof of compliance with these insurance requirements, consisting of certificates of insurance evidencing all of the coverages required and an additional insured endorsement to Consultant's general liability policy,

shall be delivered to City at or prior to the execution of this Agreement. In the event such proof of any insurance is not delivered as required, or in the event such insurance is canceled at any time and no replacement coverage is provided, City has the right, but not the duty, to obtain any insurance it deems necessary to protect its interests under this or any other agreement and to pay the premium. Any premium so paid by City shall be charged to and promptly paid by Consultant or deducted from sums due Consultant, at City option.

8. Certificate(s) are to reflect that the insurer will provide 30 days notice to City of any cancellation of coverage. Consultant agrees to require its insurer to modify such certificates to delete any exculpatory wording stating that failure of the insurer to mail written notice of cancellation imposes no obligation, or that any party will "endeavor" (as opposed to being required) to comply with the requirements of the certificate.
9. It is acknowledged by the parties of this Agreement that all insurance coverage required to be provided by Consultant or any subcontractor, is intended to apply first and on a primary, non-contributing basis in relation to any other insurance or self insurance available to City.
10. Consultant agrees to ensure that subcontractors, and any other party involved with the project who is brought onto or involved in the project by Consultant, provide the same minimum insurance coverage required of Consultant. Consultant agrees to monitor and review all such coverage and assumes all responsibility for ensuring that such coverage is provided in conformity with the requirements of this section. Consultant agrees that upon request, all agreements with subcontractors and others engaged in the project will be submitted to City for review.
11. Consultant agrees not to self-insure or to use any self-insured retentions or deductibles on any portion of the insurance required herein and further agrees that it will not allow any contractor, subcontractor, Architect, Engineer or other entity or person in any way involved in the performance of work on the project contemplated by this Agreement to self-insure its obligations to City. If Consultant's existing coverage includes a deductible or self-insured retention, the deductible or self-insured retention must be declared to the City. At that time the City shall review options with the Consultant, which may include reduction or elimination of the deductible or self-insured retention, substitution of other coverage, or other solutions.
12. The City reserves the right at any time during the term of the contract to change the amounts and types of insurance required by giving the Consultant ninety (90) days advance written notice of such change. If such change results in substantial additional cost to the Consultant, the City will negotiate additional compensation proportional to the increased benefit to City.

13. For purposes of applying insurance coverage only, this Agreement will be deemed to have been executed immediately upon any party hereto taking any steps that can be deemed to be in furtherance of or towards performance of this Agreement.
14. Consultant acknowledges and agrees that any actual or alleged failure on the part of City to inform Consultant of non-compliance with any insurance requirement in no way imposes any additional obligations on City nor does it waive any rights hereunder in this or any other regard.
15. Consultant will renew the required coverage annually as long as City, or its employees or agents face an exposure from operations of any type pursuant to this Agreement. This obligation applies whether or not the Agreement is canceled or terminated for any reason. Termination of this obligation is not effective until City executes a written statement to that effect.
16. Consultant shall provide proof that policies of insurance required herein expiring during the term of this Agreement have been renewed or replaced with other policies providing at least the same coverage. Proof that such coverage has been ordered shall be submitted prior to expiration. A coverage binder or letter from Consultant's insurance agent to this effect is acceptable. A certificate of insurance and/or additional insured endorsement as required in these specifications applicable to the renewing or new coverage must be provided to City within five days of the expiration of the coverages.
17. The provisions of any workers' compensation or similar act will not limit the obligations of Consultant under this Agreement. Consultant expressly agrees not to use any statutory immunity defenses under such laws with respect to City, its employees, officials and agents.
18. Requirements of specific coverage features or limits contained in this section are not intended as limitations on coverage, limits or other requirements nor as a waiver of any coverage normally provided by any given policy. Specific reference to a given coverage feature is for purposes of clarification only as it pertains to a given issue, and is not intended by any party or insured to be limiting or all-inclusive.
19. These insurance requirements are intended to be separate and distinct from any other provision in this Agreement and are intended by the parties here to be interpreted as such.
20. The requirements in this Section supersede all other sections and provisions of this Agreement to the extent that any other section or provision conflicts with or impairs the provisions of this Section.



21. Consultant agrees to be responsible for ensuring that no contract used by any party involved in any way with the project reserves the right to charge City or Consultant for the cost of additional insurance coverage required by this Agreement. Any such provisions are to be deleted with reference to City. It is not the intent of City to reimburse any third party for the cost of complying with these requirements. There shall be no recourse against City for payment of premiums or other amounts with respect thereto.
22. Consultant agrees to provide immediate notice to City of any claim or loss against Consultant arising out of the work performed under this Agreement. City assumes no obligation or liability by such notice, but has the right (but not the duty) to monitor the handling of any such claim or claims if they are likely to involve City.

# **CITY OF STANTON**

## **REPORT TO CITY COUNCIL**

**TO:** Honorable Mayor and Members of the City Council

**DATE:** August 9, 2016

**SUBJECT: 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 FOR AN ADDITIONAL YEAR PENDING STUDY AND ADOPTION OF REGULATORY AND ZONING STANDARDS**

### **REPORT IN BRIEF:**

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. Urgency Ordinance No. 1040 was extended by Urgency Ordinance No. 1041 on October 13, 2015 by a period of ten (10) months and fifteen (15) days. Since Urgency Ordinances Nos. 1040 and 1041 were approved, City staff has studied the potential impacts of these establishments and analyzed appropriate regulatory and zoning standards. However, City staff has not completed its study and analysis, and therefore, the City Council is being asked for a final extension the moratorium.

### **RECOMMENDED ACTION:**

1. Conduct a public hearing;
2. Declare 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. That the City Council approve Urgency Ordinance No. 1057, 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 FOR AN ADDITIONAL YEAR PENDING STUDY AND ADOPTION OF REGULATORY AND ZONING STANDARDS**

### **BACKGROUND:**

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. Subsequently, Urgency Ordinance No. 1041 was passed which extended the moratorium by 10 months and 15 days, as allowed under Government Code Section 65858. Urgency Ordinance No. 1041 is set to expire on September 8, 2016.

The moratorium was prompted, in part, by reports throughout the State and in the City that internet and cyber cafes are allowing illegal gambling operations at their businesses. The gambling often takes the form of "promotional sweepstakes," in which a business allows customers to play gambling-themed games on computers to win cash prizes.

Media reports have chronicled police raids on internet cafes throughout the State in which local law enforcement have seized electronic gaming machines and thousands of dollars in alleged profits from illegal gambling. (See "Hesperia Internet Cafes Raided in Illegal Gambling Probe," *LA Times*, Mar. 20, 2013; "States Battle Illegal Gambling at Internet Cafes," *USA Today*, Mar. 24, 2014; "Police Raid Milpitas Internet Cafe for 'Unlawful Gambling,'" NBC (Online), May 8, 2014; "Evidence at Internet Cafe Reveals Gambling Operation," *The Reporter*, Aug. 26, 2015; "Gambling Establishments Disguised as Internet Cafes Shut Down" Fox40.com, July 15, 2016; "Fairfield Police Shut Down Casinos Masquerading as Internet Cafes," Napa Valley Register (Online), July 18, 2016.)

Due to these statewide issues, the Governor signed Assembly Bill 1439 ("AB 1439") into law in late 2014, which became effective 2015. AB 1439 prohibits, in part, gambling at internet and cyber cafes. Moreover, the California Supreme Court has also ruled that sweepstakes games at internet cafes are unlawful gambling operations. (*People ex rel. v. Grewal* (2015) 61 Cal.4th 544.)

As noted, the City has not been immune to these illegal operations. Prior to the establishment of the moratorium, including the moratorium period, the City has also received numerous reports of illegal gambling at existing internet cafes in the City. The City also recently litigated against an internet cafe business that the City alleged allowed slot machine-like gambling to take place at the establishment.

During the current moratorium period, City staff has begun studying issues related to the establishment of internet and cyber cafes in the City. The report attached as Attachment "A" to the proposed Ordinance details the City's efforts to analyze this problem. However, the City has not concluded its research or analysis, and therefore requires additional time.

### **ANALYSIS/JUSTIFICATION:**

Government Code Section 65858 authorizes the City to extend its moratorium for an additional twelve (12) months. Coupled with the initial 45-day moratorium, and the first extension of ten (10) months and fifteen (15) days, the extended moratorium would last a total of two years, or until September 8, 2017, unless the City Council repeals proposed Urgency Ordinance No. 1057.

If approved, Urgency Ordinance No. 1057 would be immediately effective since its purpose is to preserve the public peace, health or safety. The Urgency Ordinance would continue to temporarily prohibit the establishment of new internet and cyber cafes, which, if approved, may be in conflict with contemplated land use policies and regulations that the City is studying. The City is considering the potential impacts of internet and cyber cafes due to law enforcement issues, such as illegal gambling, at those businesses and analyzing potential regulatory and zoning ordinances to combat such illegal operations. In order for the proposed urgency ordinance to be effective, four-fifths (4/5) of the City Council must approve the ordinance.

**FISCAL IMPACT:**

None.

**ENVIRONMENTAL IMPACT:**

In accordance with the requirements of the CEQA, this project has been determined to be exempt under Section 15061(b)(3). Moreover, the proposed Ordinance is statutorily exempt under Section 15262 (feasibility and planning studies).


**PUBLIC NOTIFICATION:**

Public notice for this item was made at three public places in accordance with Government Code Section 65090 and through the regular agenda process.

**STRATEGIC PLAN OBJECTIVE ADDRESSED:**

2 – Provide a high quality of life.

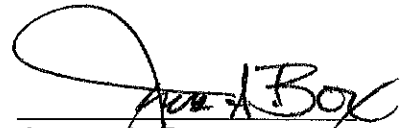
Prepared By:

  
\_\_\_\_\_  
Kelly Hart  
Community Development  
Director

Concurred By:

\_\_\_\_\_  
Matthew E. Richardson  
City Attorney

Approved By:

  
\_\_\_\_\_  
James A. Box  
City Manager

**Attachment:**

A. Urgency Ordinance No. 1057

## URGENCY ORDINANCE NO. 1057

**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 FOR AN ADDITIONAL YEAR PENDING STUDY AND ADOPTION OF REGULATORY AND ZONING ORDINANCES**

**WHEREAS**, Article 11, Section 7 of the California Constitution authorizes the City of Stanton ("City") to make and enforce within its limits all ordinances and regulations not in conflict with general laws; and

**WHEREAS**, the City has adopted a zoning code regulating the uses of land within the City, as codified in Chapter 20 of the Stanton Municipal Code ("SMC"); and

**WHEREAS**, the SMC also includes regulations on Internet Cafes and Cyber Cafes, which are included under the category of "Indoor Commercial Recreation Facilities" for zoning purposes (see SMC §§ 5.68, *et seq.*; 20.700.050; 20.400.090); and

**WHEREAS**, the City is aware that internet and cyber cafes throughout the State have been connected to illegal gambling. Some of the illicit operations are in the form of "promotional sweepstakes," in which the business allows customers to play gambling-themed games on computers to win cash prizes; and

**WHEREAS**, according to media reports, localities across the State have battled to shut down illegal gambling operations that occur at internet and cyber cafes (see "Hesperia Internet Cafes Raided in Illegal Gambling Probe," *LA Times*, Mar. 20, 2013; "States Battle Illegal Gambling at Internet Cafes," *USA Today*, Mar. 24, 2014; "Police Raid Milpitas Internet Cafe for 'Unlawful Gambling,'" NBC (Online), May 8, 2014; "Evidence at Internet Cafe Reveals Gambling Operation," *The Reporter*, Aug. 26, 2015; "Gambling Establishments Disguised as Internet Cafes Shut Down" Fox40.com, July 15, 2016; "Fairfield Police Shut Down Casinos Masquerading as Internet Cafes," *Napa Valley Register* (Online), July 18, 2016); and

**WHEREAS**, according to the National Council on Problem Gambling, up to eight million U.S. adults have problems with gambling, which may compromise, disrupt, or damage personal, family, or vocational pursuits; and

**WHEREAS**, in response to public agencies' and local law enforcement requests, the Assembly Bill 1439 ("AB 1439") was passed by the State in September 2014, to prohibit, in part, online gambling that often occurs at internet cafes. AB 1439 became effective on January 1, 2015; and

**WHEREAS**, the California Supreme Court has also ruled that sweepstakes type of games provided at internet and cyber cafes are illegal gambling (*People ex rel. v. Grewal* (2015) 61 Cal.4th 544); and

**WHEREAS**, the City has also investigated complaints that some local internet and cyber cafes have allowed illegal gambling at their establishments in the City. The City has litigated one such case in which the establishment was alleged to be an illegal internet cafe that allowed customers to play slot machine-like games at the establishment; and

**WHEREAS**, the City's existing municipal code and zoning regulations do not adequately regulate the establishment of internet cafes or cyber cafe, including, without limitation, prohibiting illegal gambling at such establishments; and

**WHEREAS**, the approval of additional permits, variances, or any other applicable entitlement for an internet or cyber cafe use without further study and adoption of regulatory and zoning standards that address illegal gambling that may be related to internet or cyber cafe uses would threaten the public health, safety, and welfare; and

**WHEREAS**, Section 36937 of the Government Code authorizes the City Council to adopt an ordinance that will take effect immediately if it is an ordinance for the immediate preservation of the public peace, health or safety, containing a declaration of the facts constituting the urgency, and is passed by a four-fifths (4/5) vote of the City Council; and

**WHEREAS**, Section 65858 of the Government Code also authorizes the City Council to adopt an interim urgency ordinance temporarily prohibiting land uses, which, if approved, may be in conflict with contemplated land use policies and regulations which the City is studying or intends to study within a reasonable period of time. Section 65858 also requires a four-fifths (4/5) vote of the City Council for such ordinance to be effective; and

**WHEREAS**, pursuant to Sections 36937 and 65858, on September 8, 2015, the City adopted Urgency Ordinance No. 1040 temporarily prohibiting the establishment of additional internet cafes and cyber cafes in the City, pending study and adoption of regulatory and zoning standards to protect the public health, safety, and welfare; and

**WHEREAS**, during the initial 45-day moratorium, the City began studying issues related to internet cafes but had not yet completed its study and evaluation. The City Council subsequently adopted Urgency Ordinance No. 1041 to extend the moratorium for a period of ten (10) months and fifteen (15) days to further study and evaluate the issues. The City has not yet completed its study and evaluation regarding internet and cyber cafes; and

**WHEREAS**, as a result, the City Council desires to extend the moratorium, pursuant to Government Code section 65858(a), which allows the City Council to extend the interim urgency ordinance based on the current and immediate threats described above, which continue. Such extension shall be for a period of twelve (12) months to allow staff and the City Council the opportunity to continue to research and select the best course of action for the City's citizens and the community at large, including the potential adoption of regulatory and zoning ordinances related to internet and cyber cafes; and

**WHEREAS**, pursuant to Government Code Section 65858(d), the City Council desires to issue a written report describing the measures taken to alleviate the conditions which led to the adoption of Urgency Ordinance No. 1040; and

**WHEREAS**, the City has substantially complied with the notice and public hearing required by Government Code Section 65858(a) of the California Government Code for the second extension of Urgency Ordinance No. 1040.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF STANTON DOES ORDAIN AS FOLLOWS:**

**SECTION 1: CEQA.** The City Council finds that this Ordinance is not subject to the 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. Moreover, this Ordinance is statutorily exempt from further CEQA review under Section 15262 (feasibility and planning studies) because this Ordinance authorizes the City to study potential regulatory and zoning standards regarding internet cafes and cyber cafes.

**SECTION 2: Urgency Findings.** The City Council hereby incorporates by reference the recitals of this urgency ordinance and the accompanying staff report. The City Council finds that this interim urgency ordinance temporarily extending for a second time the prohibition of the establishment of internet cafes and cyber cafes in the City is necessary to promote the immediate preservation of the public health, safety, and welfare due to numerous reports of illegal gambling operations that are alleged to occur at internet cafes and cyber cafes. This is a matter of importance to the entire City of Stanton, and is not directed at any particular property.

**SECTION 3. Report Issued.** The City Council hereby issues a written report, attached to this Ordinance as Exhibit "A", which describes the measures the City has taken to the alleviate the conditions that led to the initial adoption of Urgency Ordinance No. 1040. The report provides that the conditions have not been abated and continue to create the concerns described in Urgency Ordinance No.

1040. As a result, the report concludes that Urgency Ordinance No. 1040 needs to be extended for a second time pending further study by the City and the potential adoption of regulatory and zoning standards.

**SECTION 3: Moratorium Extension.** Pursuant to the authority granted to the City Council by Government Code Sections 36937 and 65858, the City Council hereby extends the moratorium established by Urgency Ordinance No. 1040 for twelve (12) months, as authorized by Government Code Section 65858(a), on the establishment of internet cafes and cyber cafes in the City.

(a) The City shall not issue or approve any general plan amendment, zone change, building permit, conditional use permit, minor use permit, variance, architectural and site plan review, business occupancy permit, business license, tenant improvement permit, subdivision map or other land use entitlement, license, or permit required to comply with the provisions of the SMC for the establishment of an internet cafe or cyber cafe during the time that this Interim Urgency Ordinance is in effect, and continuing for the time set forth in subdivision (b) below. The prohibitions contained in this Ordinance shall not apply to any existing lawful uses and buildings that have already received all discretionary and vested land use entitlements from the City prior to the date of this Ordinance, and which do not seek to expand or intensify said existing use or building beyond what was already approved.

(b) For the purposes of this Interim Urgency Ordinance, "internet cafe" and "cyber cafe" shall mean an establishment that provides one or more computers and/or other electronic devices for access to the world wide web, internet, e-mail, gaming, or computer software programs, and which seeks compensation, in any form, from users. Internet cafe and cyber café is synonymous with a personal computer ("PC") cafe, cyber cafe and Internet center, but does not include an Internet learning center as defined in the Stanton Municipal Code.

(c) This Urgency Ordinance No. 1057 shall remain in effect for a period of twelve months (for a total of two years from the September 8, 2015 adoption of Urgency Ordinance No. 1040) unless repealed earlier or extended in accordance with California Government Code Section 65858.

(e) At least 10 days before this Urgency Ordinance No. 1057 expires, City staff shall issue a written report on behalf of the City Council describing the measures taken to alleviate the condition which led to the adoption of this Interim Urgency Ordinance.

**SECTION 4: Location and Custodian of Records.** The documents and materials associated with this Ordinance that constitute the record of proceedings on which these findings are based are located at Stanton City Hall, 7800 Katella Ave., Stanton, California 90680. The Community Development Director is the custodian of the record of proceedings.



**SECTION 5: Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Stanton hereby declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases may be declared invalid or unconstitutional.

**SECTION 6: Effective Date.** This Interim Urgency Ordinance shall be effective immediately. This Interim Urgency Ordinance was adopted by the necessary four-fifths vote of the members of the City Council pursuant to the authority granted to it by Article XI, Section 7 of the California Constitution, Government Code Section 36937, which authorizes the City Council to adopt an ordinance that will take effect immediately if it is an ordinance for the immediate preservation of the public peace, health or safety, and Government Code Section 65858, which allows the City to adopt an interim urgency ordinance prohibiting land uses which may be in conflict with a zoning proposal that the City Council, Planning Commission or the Planning Department is considering or studying or intends to study within a reasonable time. The City Council hereby directs the Planning Department to consider and study possible means of regulating internet cafes and cyber cafes, including zoning and other regulations permissible under State law.

**SECTION 7: Publication.** The City Clerk shall certify to the passage of the Interim Urgency Ordinance and cause the same or a summary thereof to be published within fifteen (15) days after adoption in a newspaper of general circulation published and circulated in the City, or if there is none, the City Clerk shall cause it to be posted in at least three public places in the City or published in a newspaper of general circulation printed and published in the county and circulated in the City.

**PASSED, APPROVED, and ADOPTED** this 9th day of August, 2016.

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BRIAN DONAHUE, MAYOR

ATTEST:

\_\_\_\_\_  
PATRICIA A. VAZQUEZ, CITY CLERK

APPROVED AS TO FORM

\_\_\_\_\_  
MATTHEW E. RICHARDSON, CITY ATTORNEY

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss.  
CITY OF STANTON )

I, PATRICIA A. VAZQUEZ, City Clerk of the City of Stanton, California, do hereby certify that the foregoing Urgency Ordinance No. 1057 was introduced and adopted at a regular meeting of the City Council of the City of Stanton, California, held on the 9th day of August, 2016 by the following roll-call vote, to wit:

AYES: COUNCILMEMBERS: \_\_\_\_\_

\_\_\_\_\_

NOES: COUNCILMEMBERS: \_\_\_\_\_

ABSENT: COUNCILMEMBERS: \_\_\_\_\_

ABSTAIN: COUNCILMEMBERS: \_\_\_\_\_

\_\_\_\_\_  
CITY CLERK, CITY OF STANTON



*City of Stanton*  
**COMMUNITY DEVELOPMENT**

To: James A. Box, City Manager  
From: Kelly Hart, Community Development Director  
Re: REPORT ON MEASURES TAKEN TO ALLEVIATE THE CONDITIONS WHICH LED TO THE ADOPTION OF INTERIM URGENCY ORDINANCE NO. 1040 AND ORDINANCE NO. 1041 ESTABLISHING A MORATORIUM ON THE ESTABLISHMENT OF INTERNET AND CYBER CAFES

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On September 8, 2015, the City Council adopted Urgency Ordinance No. 1040 ("Urgency Ordinance"), enacting a forty-five (45) day moratorium on the establishment of internet and cyber cafes. Subsequently, the City Council adopted Urgency Ordinance No. 1041 extending the moratorium ten (10) months and fifteen (15) days, which is set to expire on September 8, 2016.

Government Code Section 65858 requires that at least ten (10) days prior to the expiration of an interim ordinance or any extension, the City Council must issue a written report describing the measures taken to alleviate the condition(s) which led to the adoption of the initial moratorium in the interim ordinance. The conditions that led to the adoption of the Urgency Ordinance were listed in the Urgency Ordinance and still exist as of the date of this report.

Since the enactment of the Urgency Ordinance, the following actions have been taken:

- (1) The City's Community Development Department continued to research municipal codes of surrounding cities relating to internet and cyber cafes.
- (2) The City's Community Development Department continued to research the best practices utilized by local jurisdictions throughout the State relating to internet and cyber cafes.
- (3) The City's Community Development Department continued to review the City's Zoning Code and identifying which zones, if any, may be appropriate for internet and cyber cafes.
- (4) The City's Police Services continued to investigate allegations of unlawful internet and cyber cafes in the City.
- (5) The City Attorney's Office continued to research relevant case law regarding the regulation of internet and cyber cafes in the City.
- (6) The City Attorney has prepared a twelve (12) month extension for the moratorium relating to internet and cyber cafes in accordance with Government Code Section 65858.

In light of the complexity of this matter, the City requires additional time to study in-depth the issue of internet and cyber cafe regulations in the City to determine the best way to serve all interests while protecting the public health, safety, and welfare. While this study is being conducted and potentially new ordinances are being prepared, City staff believes it is critical that the moratorium established by the Urgency Ordinance be extended in accordance with Government Code Section 65858 for an additional twelve months.

# **CITY OF STANTON**

## **REPORT TO CITY COUNCIL**

**TO:** Honorable Mayor and Members of the City Council

**DATE:** August 9, 2016

**SUBJECT: AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, IN ACCORDANCE WITH GOVERNMENT CODE SECTION 36937, EXTENDING THE MORATORIUM TO TEMPORARILY PROHIBIT THE ESTABLISHMENT OF ANY AREA OF PERMIT PARKING FOR AN ADDITIONAL SIX (6) MONTHS PENDING STUDY AND ADOPTION OF REGULATORY STANDARDS**

### **REPORT IN BRIEF:**

This ordinance proposes an extension of the moratorium for the establishment of new permit parking areas so that staff may study and propose new regulatory standards. The City needs to evaluate permit parking due to immediate health, safety, and welfare issues; requests for permit parking are often prompted by residents' complaints of overflow parking, which allegedly results in excessive litter, vehicle break-ins, thefts, and other crime. Moreover, in April 2016, the California Attorney General issued an opinion on the application of the Vehicle Code to permit parking. The proposed moratorium extension would also allow staff time to continue studying the implications of the opinion and draft new regulations and guidelines to be in compliance with the opinion.

### **RECOMMENDED ACTION:**

1. Conduct a public hearing;
2. Declare that the project is not subject to 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. Moreover, this Ordinance is statutorily exempt from further CEQA review under Section 15262 (feasibility and planning studies); and
3. That the City Council adopt Interim Urgency Ordinance No. 1058, entitled:

**AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, IN ACCORDANCE WITH GOVERNMENT CODE SECTION 36937, EXTENDING THE TEMPORARY MORATORIUM PROHIBITING THE ESTABLISHMENT OF ANY AREA OF PERMIT PARKING FOR AN ADDITIONAL SIX (6) MONTHS PENDING STUDY AND ADOPTION OF REGULATORY STANDARDS**

**BACKGROUND:**

Stanton Municipal Code Section 10.08.060 allows the City Council to designate, by resolution, that certain streets be restricted to permit parking. City residents often initiate the request for permit parking. Oftentimes, permit parking proponents have asserted that overflow parking in their neighborhoods have led to increased crime including excessive litter, vehicle break-ins, and theft.

Moreover, in April 2016, California's Attorney General issued an opinion on the application of Vehicle Code Section 22507 to permit parking. The opinion requires public agencies to apply permit parking regulations equally to all residential development types.

Specifically, the opinion provides: Section 22507 of the California Vehicle Code authorizes city councils to restrict or prohibit parking on public streets they designate by resolution or ordinance. Cities can also restrict or prohibit parking on designated streets during certain or all hours of the day. The statute expressly authorizes cities to grant preferential parking privileges to residents for their use and the use of their guests. However, the Attorney General concluded that Section 22507 requires resident-only permits to be available to all residents of adjacent streets, not just residents of a particular dwelling type (i.e., single family dwellings). For example, a city could not grant permits to residents of single family and small two- or four-unit dwellings while denying permits to residents of a similarly situated high-density apartment complex.

During the June 28, 2016 City Council meeting, Council adopted Urgency Ordinance No. 1055, placing a 45-day moratorium on the establishment of new permit parking areas. During the current moratorium period, City staff has begun studying issues related to permit parking and how to revise the permit parking program, has conducted meetings with residential stakeholders to identify resident needs and issues, and conducted an analysis of other cities' permit parking programs. The report attached as Attachment "A" to the proposed Ordinance details the City's efforts to analyze this issue. However, staff has not concluded its research or analysis, and therefore requires additional time.

**ANALYSIS/JUSTIFICATION:**

Coupled with the initial 45-day moratorium, the requested extension would extend the moratorium for an additional six months, or until February 9, 2017 unless the City Council repeals proposed Urgency Ordinance No. 1058 at an earlier time.

City staff wishes to continue studying the complex issue to ensure any new guidelines and procedures address the immediate health and safety issues residents have raised including assertions that, among other things, overflow parking leads to increased crime. Moreover, the City wishes to address the Attorney General's advisory opinion and simplify the procedure for processing parking permits.

As such, staff recommends that the City Council adopt Interim Urgency Ordinance No. 1058, which would extend the moratorium on the establishment of any new permit parking areas in the City for a period of six months. Because this is an urgency ordinance, four-fifths (4/5) of the Council must approve the Ordinance in order for it to be effective.

**FISCAL IMPACT:**

None.

**ENVIRONMENTAL IMPACT:**

In accordance with the requirements of CEQA, the adoption of this Ordinance has been determined to not be subject to 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. Moreover, this Ordinance is statutorily exempt from further CEQA review under Section 15262 (feasibility and planning studies).

**PUBLIC NOTIFICATION:**

Public notice for this item was made at three public places in accordance with Government Code Section 65090 and through the regular agenda process.


**STRATEGIC PLAN OBJECTIVE ADDRESSED:**

6 – Maintain and Promote a Responsive, High Quality and Transparent Government

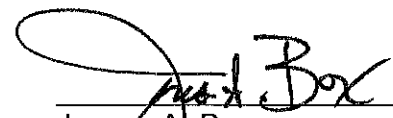
Prepared by:

Concurred by:

Approved by:

  
\_\_\_\_\_  
Kelly Hart  
Community Development  
Director

\_\_\_\_\_  
Matthew E. Richardson  
City Attorney

  
\_\_\_\_\_  
James A. Box  
City Manager

**Attachments:**

A. Interim Urgency Ordinance No. 1058

## **URGENCY ORDINANCE NO. 1058**

**AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, IN ACCORDANCE WITH GOVERNMENT CODE SECTION 36937, EXTENDING THE TEMPORARY MORATORIUM PROHIBITING THE ESTABLISHMENT OF ANY AREA OF PERMIT PARKING FOR AN ADDITIONAL SIX (6) MONTHS PENDING STUDY AND ADOPTION OF REGULATORY STANDARDS**

**WHEREAS**, Article 11, Section 7 of the California Constitution authorizes the City of Stanton ("City") to make and enforce within its limits all ordinances and regulations not in conflict with general laws; and

**WHEREAS**, the SMC includes regulations on permit parking that allow the City Council to designate, by resolution, that certain streets be restricted to permit parking under a preferential parking system for residents adjacent to such streets (SMC § 10.08.060); and

**WHEREAS**, the City Council is aware that requests for permit parking have been prompted by residents who assert that there is a problem of overflow parking from one neighborhood to another; and

**WHEREAS**, the City Council is also aware that some residents assert that the overflow parking issues have led to, among other things, increased litter, broken car windows, vehicle break-ins and theft, as well as other crime in neighborhoods where overflow parking occurs; and

**WHEREAS**, the approval of additional parking permits without further study and adoption of regulatory standards that address overflow parking issues and any related criminal aspects would threaten the public health, safety, and welfare; and

**WHEREAS**, in light of the immediate public health and safety issues that relate to overflow parking in the City's neighborhoods, the City desires to continue studying permit parking laws, regulations, and guidelines to effectively combat those public safety issues in all neighborhoods; and

**WHEREAS**, the City is also aware that the California Attorney recently opined that local authorities may not institute preferential parking regulations that discriminate among residents based on the residents' dwelling type (see AG Opinion No. 14-304 (2016));

**WHEREAS**, the City Council also desires to continue studying permit parking laws, regulations, and guidelines to ensure that the City's regulations comport with the law and the Attorney General's opinion; and

**WHEREAS**, Section 36937 of the Government Code authorizes the City Council



to adopt an ordinance that will take effect immediately if it is an ordinance for the immediate preservation of the public peace, health or safety, containing a declaration of the facts constituting the urgency, and is passed by a four-fifths (4/5) vote of the City Council; and

**WHEREAS**, the City desires to adopt an interim urgency ordinance to extend a moratorium that temporarily prohibits the establishment of additional area(s) of permit parking in the City, pending study and adoption of regulatory standards to protect the public health, safety, and welfare; and

**WHEREAS**, all legal prerequisites prior to the adoption of this Interim Urgency Ordinance have occurred.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF STANTON DOES ORDAIN AS FOLLOWS:**

**SECTION 1: CEQA.** The City Council finds that this Ordinance is not subject to the 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. Moreover, this Ordinance is statutorily exempt from further CEQA review under Section 15262 (feasibility and planning studies) because this Ordinance authorizes the City to study potential regulatory standards regarding permit parking.

**SECTION 2: Urgency Findings.** The City Council hereby incorporates by reference the recitals of this urgency ordinance and the accompanying staff report. The City Council finds that this interim urgency ordinance extending the moratorium to temporarily prohibit the establishment of area(s) of permit parking in the City is necessary to promote the immediate preservation of the public health, safety, and welfare due to reports that overflow parking results in increased litter, vehicle break-ins and theft, and other crime. Moreover, this interim urgency ordinance is necessary to ensure that the City's permit parking laws, ordinances, and guidelines comport with the law. This is a matter of importance to the entire City of Stanton, and is not directed at any particular property.

**SECTION 3: Moratorium.** Pursuant to the authority granted to the City Council by Government Code Sections 36937, the City Council hereby adopts, as an interim urgency ordinance, an extension of a moratorium on the establishment of area(s) of permit parking in the City for a period of six months, or until [February 9, 2017].

(a) The City shall not issue or approve any areas for permit parking, any general plan amendment, zone change, building permit, conditional use permit, minor use permit, variance, architectural and site plan review, business occupancy permit, business license, tenant improvement permit, subdivision map or other land use entitlement, license, or permit required to comply with the provisions of the SMC for the establishment of area(s) of permit parking during the time that this Interim Urgency Ordinance is in effect, and continuing for the time set forth in subdivision (b) below. The prohibitions contained in this Ordinance shall not apply to any existing lawful uses and buildings that have already received all discretionary and vested land use entitlements from the City prior to the date of this Ordinance, and which do not seek to expand or intensify said existing use or building beyond what was already approved.

(b) This Interim Urgency Ordinance shall take effect immediately and shall remain in effect for a period of six (6) months after the date of adoption, unless repealed earlier or extended.

(c) At least 10 days before this Interim Urgency Ordinance or any extension expires, the City Council shall issue a written report describing the measures taken to alleviate the condition which led to the adoption of this Interim Urgency Ordinance.

**SECTION 4: Location and Custodian of Records.** The documents and materials associated with this Resolution that constitute the record of proceedings on which these findings are based are located at Stanton City Hall, 7800 Katella Ave., Stanton, California 90680. The Community Development Director is the custodian of the record of proceedings.

**SECTION 5: Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Stanton hereby declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases may be declared invalid or unconstitutional.

**SECTION 6: Effective Date.** This Interim Urgency Ordinance shall be effective immediately. This Interim Urgency Ordinance was adopted by the necessary four-fifths vote of the members of the City Council pursuant to the authority granted to it by Article XI, Section 7 of the California Constitution, Government Code Section 36937, which authorizes the City Council to adopt an ordinance that will take effect immediately if it is an ordinance for the immediate preservation of the public peace, health or safety. The City Council hereby

directs the Planning Department to consider and study possible means of regulating permit parking in all areas of the City, as permissible under State law.

**SECTION 7: Publication.** The City Clerk shall certify to the passage of the Interim Urgency Ordinance and cause the same or a summary thereof to be published within fifteen (15) days after adoption in a newspaper of general circulation published and circulated in the City, or if there is none, the City Clerk shall cause it to be posted in at least three public places in the City or published in a newspaper of general circulation printed and published in the county and circulated in the City.

**PASSED, APPROVED, and ADOPTED** this 9th day of August, 2016.

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BRIAN DONAHUE, MAYOR

ATTEST:

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PATRICIA A. VAZQUEZ, CITY CLERK

APPROVED AS TO FORM:

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MATTHEW E. RICHARDSON, CITY ATTORNEY

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss.  
CITY OF STANTON )

I, PATRICIA A. VAZQUEZ, City Clerk of the City of Stanton, California, do hereby certify that the foregoing Urgency Ordinance No. 1058 was introduced and adopted at a regular meeting of the City Council of the City of Stanton, California, held on the 9th day of August, 2016 by the following roll-call vote, to wit:

AYES:	COUNCILMEMBERS:	_____
		_____
NOES:	COUNCILMEMBERS:	_____
ABSENT:	COUNCILMEMBERS:	_____
ABSTAIN:	COUNCILMEMBERS:	_____

\_\_\_\_\_  
CITY CLERK, CITY OF STANTON



*City of Stanton*

**COMMUNITY DEVELOPMENT**

To: James A. Box, City Manager  
From: Kelly Hart, Community Development Director  
Re: REPORT ON MEASURES TAKEN TO ALLEVIATE THE CONDITIONS WHICH LED TO THE ADOPTION OF INTERIM URGENCY ORDINANCE NO. 1055 ESTABLISHING A MORATORIUM ON THE ESTABLISHMENT OF NEW PERMIT PARKING AREAS

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On June 28, 2016, the City Council adopted Urgency Ordinance No. 1055 ("Urgency Ordinance"), enacting a forty-five (45) day moratorium on the establishment of new permit parking areas.

The Urgency Ordinance required the City to issue a report at least ten (10) days prior to the expiration of the Urgency Ordinance or any extension, describing the measures taken to alleviate the condition(s) which led to the adoption of the initial moratorium in the Urgency Ordinance. The conditions that led to the adoption of the Urgency Ordinance were listed in the Urgency Ordinance and still exist as of the date of this report.

Since the enactment of the Urgency Ordinance, the following actions have been taken:

- (1) The City's Community Development Department has begun researching municipal codes of surrounding cities relating to permit parking programs.
- (2) The City's Community Development Department has begun researching the best practices utilized by local jurisdictions throughout the State relating to application of permit parking and how to best manage the program.
- (3) The City's Community Development Department has begun reviewing the City's permit parking guidelines to determine how to amend the guidelines and procedures.
- (4) The City's Community Development Department has held meetings with some residential communities to discuss how different stakeholders would like to see the program be modified.
- (5) The City Attorney's Office has begun researching relevant case law regarding the regulation of permit parking, and how the new Attorney General opinion affects the City's permit parking ordinance and policy, as well as surrounding cities.
- (6) The Community Development Department has prepared a proposed six-month extension for the moratorium relating to permit parking..

In light of the complexity of this matter, the City requires additional time to study in-depth the issue of permit parking regulations in the City to determine the best way to serve all interests while protecting the public health, safety, and welfare. While this study is being conducted and potential new ordinances are being prepared, City staff believes it is critical that the moratorium established by the Urgency Ordinance be extended for an additional six months.

## ORDINANCE NO. 1056

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, AMENDING CHAPTER 5.04 OF TITLE 5 OF THE STANTON MUNICIPAL CODE RELATING TO BUSINESS LICENSES AND REGULATIONS

**WHEREAS**, the City of Stanton ("City") is authorized under its police powers to ensure that all businesses operating in the City comply with all local, state and federal laws at all times during the business licensing process; and

**WHEREAS**, the City's Municipal Code includes comprehensive regulations on commencing, conducting, carrying on, or engaging in any business in the City, including the requirement of a business license generally; and

**WHEREAS**, the City Council desires to amend certain provisions of its comprehensive business license provisions for added clarity; and

**WHEREAS**, specifically, the City Council desires to amend a provision of its comprehensive business license provisions to provide additional means of identifying a person who is conducting a business in the City; and

**WHEREAS**, the City Council further desires to add a provision to its comprehensive business license provisions to exclude from business license fees any person who only conducts business within the territorial limits of the City, with the City of Stanton, exclusively; and

**WHEREAS**, such exemption of business license fees for any person who only conducts business within the territorial limits of the City, with the City of Stanton, exclusively, is a benefit to the public because such business licensing fees are oftentimes cost prohibitive to businesses that conduct business with the City of Stanton, exclusively, and such business licensing fees may discourage such persons from doing business with the City of Stanton; and

**WHEREAS**, such exemption of business license fees for any person who only conducts business within the territorial limits of the City, with the City of Stanton, exclusively may encourage more businesses to conduct business with the City of Stanton; and

**WHEREAS**, the City Council further desires to add a provision to its comprehensive business license provisions to require business license applicants to include with their business license applications a verification of the person or business entity's past conduct; and

**WHEREAS**, the City Council also wishes to add a provision to its comprehensive business license provisions to allow the City to deny the issuance of a business license when a person or business has been convicted of a crime relating to the business or had a license, permit, or other entitlement revoked relating to the business; and

**WHEREAS**, in addition, the City Council wishes to add a provision to its comprehensive license provisions to all the City to revoke a business license when the associated person or business entity has been convicted of a crime relating to the business; and

**WHEREAS**, such authority to deny or revoke a business license due to previous or current criminal or otherwise harmful activity by the person or business establishment is necessary to preserve the health, safety, and welfare of residents who should will be harmed by business establishments or operations that operate in violation of the law; and

**WHEREAS**, though the City has the authority to deny or revoke business licenses, the City recognizes the business' due process rights to notice and a hearing regarding a denial or revocation of a business license; and

**WHEREAS**, on July 26, 2016, the City Council considered the staff report, recommendations by staff and the City Attorney, and public comment regarding amendments to Chapter 5.04 of Title 5 of the Stanton Municipal Code relating to business licenses and regulations; and

**WHEREAS**, all other legal prerequisites to the adoption of this Ordinance have occurred.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF STANTON DOES ORDAIN AS FOLLOWS:**

**SECTION 1. CEQA.** The City Council finds that this Ordinance is exempt from the 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.

**SECTION 2.** Section 5.04.010, entitled, "License required" of Chapter 5.04 of Title 5 of the Stanton Municipal Code is hereby deleted in its entirety and restated to read in its entirety as follows:

**"5.04.010 License required.**

A. It is unlawful for any person, either for himself or for any other person, to commence, conduct, carry on, or engage in any business in this chapter specified, in the city without first having procured a license from the city so to do, or without complying with any and all regulations of such business contained in this chapter; and the carrying on of any business without first having procured a license from the city so to do, or without complying with any and all regulations of this chapter, constitutes a separate violation of this chapter for each and every day that such business is carried on or conducted.

B. When any person, by the use of signs, circulars, cards, telephone directories, social media, online marketing, or newspapers, advertises, holds out, or represents that he is commencing, conducting, carrying on, or engaging in business in the city, or when any person holds an active license or permit issued by a governmental agency indicating that he is commencing, conducting, carrying on, or engaging in business in the city, such facts shall be considered prima facie evidence that such person is commencing, conducting, carrying on, or engaging in business in the city."

**SECTION 3.** A new Section 5.04.110, entitled, "Business conducted exclusively with city" is hereby added to Chapter 5.04 of Title 5 of the Stanton Municipal Code to read in its entirety as follows:

**"5.04.110 Business conducted exclusively with city.**

The provisions of this chapter shall not require the payment of a license fee by any person who only commences, conducts, carries on, or engages in business within the territorial limits of the city with the City of Stanton, exclusively. Any person who commences, conducts, carries on, or engages in business within the territorial limits of the city with the City of Stanton and with any one or more other persons, corporations, organizations, or businesses in the City of Stanton shall be subject to the applicable license fee."

**SECTION 4.** A new Section 5.04.205, entitled, "Verification of past conduct" is hereby added to Chapter 5.04 of Title 5 of the Stanton Municipal Code to read in its entirety as follows:

**"5.04.205 Verification of past conduct.**

Every person who seeks a business license from the city pursuant to this chapter shall be required to file a verified statement with the city, signed under penalty of perjury, that:

A. The person or the business entity has not been convicted in a court of competent jurisdiction of any crime or misdemeanor or felony offense which directly relates to the operation or conduct of a business of the same or substantially same type as the business for which a license is sought from the city in the three (3) years immediately preceding the date of the business license application; and

B. The person or the business entity has not had revoked any business license or any establishment, owner, or operator license or permit for a business of the same or substantially same type as the business for which a license is sought from the city in the three (3) years immediately preceding the date of the business license application."



**SECTION 5.** A new Section 5.04.206, entitled, "Grounds for denial or revocation" is hereby added to Chapter 5.04 of Title 5 of the Stanton Municipal Code to read in its entirety as follows:

**"5.04.206 Grounds for denial or revocation.**

A. The city shall have grounds to deny the issuance of a business license or revoke an existing business license when:

1. The applicant has failed to verify past conduct, as provided in subsections (A) and (B) of Section 5.04.205, or has made any false statement related to such verification;

2. The applicant, his or her business entity, or the business' owner, operator, or manager has been convicted in a court of competent jurisdiction of any crime or misdemeanor or felony offense which directly relates to the operation or conduct of a business of the same or substantially same type as the business for which a license is sought from the city in the three (3) years immediately preceding the date of the business license application; or

3. The applicant, his or her business entity, or the business' owner, operator, or manager has had revoked any business license or any establishment, owner, or operator license or similar permit for a business of the same or substantially same type as the business for which a license is sought from the city in the three (3) years immediately preceding the date of the business license application.

B. The city shall also have grounds to revoke a business license when:

1. The applicant, his or her business entity, or the business' owner, operator, or manager has been convicted in a court of competent jurisdiction of any crime or misdemeanor or felony offense which directly relates to the operation or conduct of the business for which the business license was granted by the city; or

2. More than two (2) verified police reports of a disturbance of the peace, disorderly conduct, or arrests have been made regarding the business within any six (6) month period."

**SECTION 6.** A new Section 5.04.207, entitled, "Appeals from denial of business license" is hereby added to Chapter 5.04 of Title 5 of the Stanton Municipal Code to read in its entirety as follows:

**"5.04.207 Appeals from denial of business license.**

A. An applicant may appeal the denial of a business license to a hearing officer by filing with the city clerk a notice of appeal within 15 (fifteen) days from the date the notice of denial was issued. The appeal shall set forth the reasons why the notice of denial should be overturned and shall also be filed with any applicable appeal fee, as adopted via Council resolution. Upon receiving the appeal request, a hearing officer shall be selected using the criteria in Chapter 1.12. The hearing officer shall set a time and place for hearing the appeal and notify the applicant and city. At the *de novo* appeal hearing, the city and the applicant, business owner, or business operator may each provide testimony and evidence relating to why the appeal should be affirmed or denied. Within seven (7) days of the conclusion of the hearing or any continued hearing, the hearing officer shall render a decision affirming or denying the business license denial, based on whether substantial evidence demonstrates that the grounds set forth in Section 5.04.206 have been met. The applicant, business owner, or business operator shall be given written notice of the hearing officer's decision by registered mail, and the notice shall state with specificity the reasons for the hearing officer's decision.

B. The action of the hearing officer shall be final and appealable to the Superior Court of the state of California pursuant to Code of Civil Procedure Section 1094.5."

**SECTION 7.** Section 5.04.600, entitled, "Contractors and subcontractors" of Chapter 5.04 of Title 5 of the Stanton Municipal Code is hereby deleted in its entirety and restated to read in its entirety as follows:

**"5.04.600 Contractors and subcontractors.**

A. The term "contractor," "subcontractor," and "specialty contractor" are defined as they are used in the California Contractor's License Law.

B. Every person, firm or corporation conducting, managing, or carrying on the business of constructing, repairing, or adding to any house, buildings, or structures, as a general contractor, or who is licensed by the state as a general contractor, shall pay a fee of sixty dollars per year.

C. Every person, firm or corporation conducting, managing, or carrying on the business of electric wiring contractor, engaged in the business of installing electric wires and electric lighting or heating fixtures, or constituting a master electrician within the meaning of the electric code of the city, shall pay a fee of forty dollars per year.

D. Every person, firm or corporation conducting, managing, or carrying on the business of plumbing, lathing or plastering, cement, concrete, or brick work, as a contractor shall pay a fee of forty dollars per year.

E. Every person, firm or corporation conducting, managing, or carrying on any other line of contract business not mentioned herein, including all subcontractors, and specialty contractors shall pay a fee of forty dollars per year."

**SECTION 8.** Section 5.04.790, entitled, "Vehicle wheel tax" of Chapter 5.04 of Title 5 of the Stanton Municipal Code is hereby deleted in its entirety and restated to read in its entirety as follows:

**"5.04.790 Vehicle wheel tax.**

A. Foods. Every person engaged in, managing, conducting or carrying on the business of selling at retail or to the ultimate consumer, or to persons, firms or corporations not regularly engaged in or carrying on such lines of business, from trucks, or other vehicles, meals, game, poultry, fish, honey, cheese, coffee, pickles, fruits, vegetables, groceries, bread, crackers, cake, pies, bakery goods, ice cream, frozen malts, frozen confections, or other products not specified in any other section of this chapter, and operating from other than a fixed place of business in the business or industrial zone, and which business is not upon the tax rolls of the city, shall pay forty dollars per year.

B. Milk Route From Outlying Source. Every person engaged in, managing, conducting or carrying on the business of selling or delivery at retail or to the ultimate consumer, or to any person, firm or corporation not regularly engaged in or carrying on such line of business, milk, cream or dairy products, and operating from other than a fixed place of business in the business or industrial zone and which business is not upon the tax rolls of the city, shall pay forty dollars per year.

C. Laundries, Dry Cleaning. Every person engaged in, operating, managing, or conducting a laundry, or cleaning, sponging, pressing or dry cleaning business from other than a fixed place of business within the city, and who carries on or engages in the business of collecting laundry or soliciting orders for laundry business in the city, or cleaning, sponging, pressing, or dry cleaning, shall pay the sum of forty dollars per year.

D. General. Every person not specifically mentioned in any other section of this chapter engaged in, managing, conducting or carrying on the business of driving or operating any cart, wagon, auto, auto truck, auto tank, wagon or other vehicle, used for the transportation of baggage, freight, household goods, merchandise, pipe, sand, machinery or other articles of commodity, or providing any repair, maintenance, etc. type of service within the city and not having a fixed place of business, shall pay forty dollars per year, provided that this subsection shall not apply to any person paying a license fee under any other section of this chapter in connection with the same business for which the truck or vehicle is used, and further provided that vehicles delivering such items to businesses within the city intended for resale are not required to secure a license."

**SECTION 9.** A new Section 5.04.865, entitled, "Business license revocation procedure" is hereby added to Chapter 5.04 of Title 5 of the Stanton Municipal Code to read in its entirety as follows:

**"5.04.865 Business license revocation procedure.**

A. If the city manager or his or her designee determines that there are grounds to revoke a business license, as provided under Section 5.04.206, the city manager or his or her designee may provide a notice of revocation to the business owner or operator. The notice shall state the reasons why the business license is being considered for revocation, and a hearing officer shall be selected using the criteria in Chapter 1.12 to determine whether the business license should be revoked. Within forty-five (45) days of a hearing officer being selected, the hearing officer shall provide the city and business owner or operator a notice of hearing before the hearing officer, providing the date and time of the revocation hearing. The notice of hearing shall be provided to the business owner or operator at least seven (7) days before the hearing. At the *de novo* revocation hearing, the city and the business owner or operator may each present evidence supporting why the business license should or should not be revoked. The hearing officer shall consider the evidence and decide whether or not to revoke the business license. The hearing officer shall not revoke the business license if substantial evidence demonstrates that the criteria in Section 5.04.206 has not been met. The hearing officer may revoke the business license if substantial evidence demonstrates that the criteria in Section 5.04.206 has been met. Within ten (10) days of the hearing or continued hearing, the hearing officer shall provide a notice of decision to the city and the business owner or operator. The action of the hearing officer shall be final and appealable to the Superior Court of the state of California pursuant to Code of Civil Procedure Section 1094.5.

B. The city's remedies, as provided in this Section 5.04.865, are in addition to any other legal, civil, or administrative remedies provided under this Code."

**SECTION 10.** Section 5.04.870, entitled, "Penalty for violation" of Chapter 5.04 of Title 5 of the Stanton Municipal Code is hereby deleted in its entirety and restated to read in its entirety as follows:

**"Section 5.04.870 Penalty for violation.**

A. It is unlawful for any person to violate any provision or to fail to comply with any of the requirements of this chapter.

B. Any person violating any provision hereof shall be charged in accordance with Section 1.04.085 of this code and upon conviction shall be punished in accordance therewith."

**SECTION 11.** If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

**SECTION 12.** The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published within fifteen (15) days of the adoption and shall post a Certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

**SECTION 13.** This Ordinance shall become effective thirty (30) days following its adoption.

**PASSED, APPROVED, AND ADOPTED** this 9<sup>th</sup> day of August, 2016.

\_\_\_\_\_  
BRIAN DONAHUE, MAYOR

ATTEST:

\_\_\_\_\_  
PATRICIA A. VAZQUEZ, CITY CLERK

APPROVED AS TO FORM

\_\_\_\_\_  
MATTHEW E. RICHARDSON, CITY ATTORNEY

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss.  
CITY OF STANTON )

I, PATRICIA A. VAZQUEZ, City Clerk of the City of Stanton, California, do hereby certify that the foregoing Ordinance No. 1056 was introduced at a regular meeting of the City Council of the City of Stanton, California, held on the 26<sup>th</sup> day of July, 2016, and was duly adopted at a regular meeting of the City Council held on the 9<sup>th</sup> day of July, 2016, by the following roll-call vote, to wit:

AYES: COUNCILMEMBERS: \_\_\_\_\_

\_\_\_\_\_

NOES: COUNCILMEMBERS: \_\_\_\_\_

ABSENT: COUNCILMEMBERS: \_\_\_\_\_

ABSTAIN: COUNCILMEMBERS: \_\_\_\_\_

\_\_\_\_\_  
PATRICIA A. VAZQUEZ, CITY CLERK

# **City Council Item 12D**

***“CITY COUNCIL INITIATED ITEM –  
DISCUSSION REGARDING THE POSSIBILITY  
OF INCREASING FINES FOR THE  
DISCHARGE OF ILLEGAL FIREWORKS”***

## **City Council Initiated Item.**

***(This item does not contain a staff report)***